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JFK ASSASSINATION SYSTEM
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Box 349

The "Executive Action" Capability

Along with the question of authorization for actual assassination attempts, the Committee considered the extent and nature of authorization for a CIA project which included, as one element, the development of an assassination capability.

(a) Introduction

Sometime in early 1961, Richard Bissell (Deputy Director of Plans) instructed William Harvey, who was at that time the Chief of one of CIA's Foreign Intelligence staffs, to establish an "executive action capability" which included research into a capability to assassinate foreign leaders. (Bissell 6/9/75, p. 51; Harvey 6/25/75, pp. 36-37.) At some time within the same period, Bissell and McGeorge Bundy (Special Assistant to the President for National Security Affairs) had a conversation about the matter.

Bissell, Harvey and Helms all agreed that the "generalized" capability was never used" (Bissell 6/9/75, p. 87; Harvey 6/25/75, p. 45; Helms 6/13/75, p. 52).

"Executive action" is a CIA euphemism, defined by the testimony before the Committee as a project for research into developing means for overthrowing foreign political leaders, including a "capability to perform assassinations". (Harvey 6/25/75, p. 34.) Bissell indicated that executive action covered a "wide spectrum of actions" to "eliminate the effectiveness" of foreign leaders, with assassination as the "most extreme" action on the spectrum (Bissell, 7/22/75, p. 32). The Inspector General's Report

described executive action as a "general stand-by capability" to carry out assassination when required (I.G., p. 37). The project was given the code name ZR/RIFLE by the CIA.*

A single agent ("asset"), given the cryptonym QJ/WIN, was placed under Harvey's supervision for the ZR/RIFLE project, but never used in connection with any actual assassination efforts. Richard Helms described QJ/WIN's "capability":

> "If you needed somebody to carry out murder, I guess you had a man who might be prepared to carry it out." (Helms, 6/13/75, p. 53).

Harvey did use agent QJ/WIN, however, to spot "individuals with criminal and underworld connections in Europe for possible multi-purpose use" (Harvey, 6/25/75, p. 50). For example, QJ/WIN reported that a potential asset in the Middle East was "the leader of a gambling syndicate" with "an available pool of assassins" (CIA file, ZR/RIFLE/Personality Sketches).

However, Harvey testified that:

> "during the entire existence of the entire ZRRIFLE project . . . no agent was recruited for the purpose of assassination, and no even tentative targeting or target list was ever drawn." (Harvey, 6/25/75, p. 45.)

Project ZR/RIFLE involved, generally, assessing the problems and requirements of assassination and developing a stand-

* ZR/RIFLE was a cryptonym relating to two programs. One was the executive action assassination capability. The other was another program which is not part of the subject matter of this report. (William Harvey had been in charge of the CIA section with general responsibility for such programs.) This second program was genuine, but it was also to provide a cover for any executive action operation. (Harvey, 6/25/75, p. 49.)

by assassination capability; more specifically, it involved "spotting" potential agents and "researching" assassination techniques that might be used (Bissell, 7/17/75, p. 11 and 6/9/75, p. 73; Harvey, 6/25/75, pp. 37-A, 45). Bissell characterized Project ZR/RIFLE as "internal and purely preparatory" (Bissell, 7/22/75, p. 32). The I.G. Report of 1967 found "no indication in the file that the Executive Action Capability of ZR/RIFLE-QJ/WIN was ever used", but said that "after Harvey took over the Castro operation, he ran it as one aspect of ZR/RIFLE". (I.G. pp. 40-41.)*

(b) <u>The Question of White House Initiation, Authorization, or Knowledge of the Executive Action Project</u>

There is general agreement on one fact: at some point in early 1961 Bissell discussed the executive action capability with Bundy. The timing of that conversation and whether "the White House" urged that a capability be created were matters on which the evidence varied widely.

Harvey testified that Bissell had told him that "the White House" had twice urged the creation of such a capability and the Inspector General's Report quoted notes of Harvey's (no longer in existence) to that effect. Bissell did not recall any specific conversation with the "White House". However, his initial testimony assumed the correctness of Harvey's notes, and stated

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* A discussion of whether ZR/RIFLE was related to the actual assassination efforts against Castro is found at Section (d), <u>infra</u>.

that, while he could have created the capability on his own, any urgings would have come from Bundy or Walt Rostow. In a later appearance, however, Bissell said he merely informed Bundy of the capability and that the context was a briefing by him and not urging by Bundy. Bundy said he received a briefing and gave no urging, though he raised no objections. Rostow said he never heard of the project.

William Harvey testified that he was "almost certain" that on January 25 and 26, 1961, he met with CIA officials Sidney Gottlieb, the new Chief of CIA's Technical Services Division, and Arnold Silver, a CIA recruiting officer, to discuss the feasibility of creating a capability within the Agency for "executive action" (Harvey, 6/25/75, p. 52). After reviewing his notes of those meetings,* Harvey testified that they took place after his initial

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* As to the date of these notes, Harvey was asked whether his notations "25/1-Sid G" and "26/1-AS" indicate that he spoke to Sidney Gottlieb and Arnold Silver in 1961, as opposed to 1962. Harvey testified as follows:

> Q: And is it your judgment that that is January 26, 1961 and is about the subject of Executive Action?
>
> Harvey: Yes, it is.
>
> Q: And it followed your conversation with Mr. Bissell that you have recounted?
>
> Harvey: . . . [W]ell, when I first looked at this, I thought this, well, this has got to be '62, but I am almost certain now that it is not. If this is true, this might place the first discussion that I had with Dick Bissell in early January and this is difficult to pinpoint because there were several such discussions in varying degrees of detail during the period in the spring, and very early in '61 to the fall of '61 period, but I did find out fairly early on that Silver

discussion of executive action with Bissell, which, he said, might have transpired in "early January" (Harvey, 6/25/75, p. 52). When Bissell was shown these notes, he agreed with Harvey about the timing of their initial discussion (Bissell, 7/17/75, p. 10).

> had -- or that Bissell had discussed the question of assassination with Arnold Silver, and this discussion, at the very least, had to take place after I know Bissell already had discussed the matter with Silver. (Harvey, 6/25/75, p. 52).

Harvey had also testified that, after receiving Bissell's initial instructions to establish an executive action capability:

> the first thing I did . . . was discuss in theoretical terms with a few officers whom I trusted quite implicitly the whole subject of assassination, our possible assets, our posture, going back, if you will, even to the fundamental questions of A, is assassination a proper weapon of an American intelligence service, and B, even if you assume that it is, is it within our capability within the framework of this government to do it effectively and properly, securely and discreetly. (Harvey, 6/25/75, pp. 37-A, 38).

The Inspector General's Report connected Silver and Gottlieb to the early stages of the executive action project as follows:

> Harvey says that Bissell had already discussed certain aspects of the problem with Arnold Silver and with Sidney Gottlieb. Since Silver was already cut in, Harvey used him in developing the Executive Action Capability.... Harvey's mention of him [Gottlieb] in this connection may explain a notation by Dr. Gunn that Harvey instructed Gunn to discuss techniques with Gottlieb without associating the discussion with the Castro operation. (I.G. Report, pp. 37-38).

It is evident from the testimony of Harvey and Bissell that the turnover to Harvey of the Roselli contact in November 1961 was discussed as part of ZRRIFLE (see Section (d), <u>infra</u>). Thus, their initial discussion of executive action can, at the least, be dated before November 1961 and the "25/1" and "26/1" notations would have to refer to January 1961.

Harvey testified that the "executive action" capability was intended to include assassinations (Harvey, 6/25/75, p. 35). His cryptic handwritten notes of the January 25/26 meetings, preserved at the CIA, contain phrases which suggest a discussion of assassination--and Harvey confirmed this interpretation: "last resort beyond last resort and a confession of weakness", "the magic button", and "never mention word assassination". (Harvey, Ex. 1, 6/25/75).*

The Inspector General's Report did not mention these notes, or their dates. However, in describing Richard Bissell's initial assignment of the "executive action" project to Harvey, it referred to another set of Harvey's notes, which were destroyed after the preparation of the Report. The excerpt from these notes quoted Bissell as saying to Harvey, "The White House had twice urged me to create such a capability" (I.G., P. 37). Harvey also testified that this "urging" was mentioned in his initial discussion of "executive action" with Bissell (Harvey, 6/25/75, p. 37). However, the testimony from Bissell and White House aides in the Kennedy and Eisenhower Administrations is in conflict with Harvey's testimony as to whether such "urging" had in fact been given to Bissell.

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* Harvey's notes also contained a phrase which suggests his concern that any U.S. assassination attempts might breed retaliation from other governments: "dangers of RIS (Russian Intelligence Service) counter-action and monitor if they are blamed." (Harvey, Ex. 1, 6/25/75; Bissell, Ex. 1, 7/17/75).

The following testimony regarding the relationship between "the White House" and the executive action capability was obtained by the Committee:

Harvey: Harvey testified that his missing notes indicated that Bissell mentioned White House urgings to develop an executive action capability (Harvey, 6/25/75, p. 37). Harvey said that he "particularly remember[ed]" that Bissell said that he received "more than one" urging from the White House (Harvey, 6/25/75, pp. 36-37; 7/11/75, p. 59). However, he had no direct evidence that Bissell actually had any such discussion with "the White House." No specific individual in the White House was named to Harvey (Harvey, 6/25/75, p. 31). Moreover, he said that it would have been "improper" for him to have asked Bissell who he had talked to and "grossly improper" for Bissell to have volunteered that name (Harvey, 6/25/75, p. 37).

Bissell: Bissell specifically recalled assigning Harvey to investigate the capability (Bissell, 6/9/75, p. 51). However, Bissell did not recall "a specific conversation with anybody in the White House as the origin" of his instruction to Harvey (Bissell, 6/9/75, p. 51).

During the course of several appearances before the Committee, Bissell's testimony varied as to whether or not he had been urged by the White House to develop an executive action capability.

In his initial appearances before the Committee on June 9 and 11, 1975, Bissell made statements that tended to indicate that White House authorization had been given. In response to the "twice urged" quotation of Harvey's notes in the Inspector General's Report, Bissell said, "I have no reason to believe that Harvey's quote is wrong." (Bissell, 6/9/75, p. 51). Bissell accordingly said in his initial testimony that as far as he knew, it was true that he was asked by the White House to create a general stand-by assassination capability. (Bissell, 6/9/75, p. 49).

Based again upon Harvey's missing notes ("White House urging") and his initial statement that he had no reason to challenge their accuracy, Bissell initially gave the opinion that McGeorge Bundy (Id., 6/9/75, p. 49), Special Assistant to President Kennedy for National Security Affairs, and Walt Rostow (Id., p. 51), Deputy Assistant to President Kennedy during 1961, were the two people from whom such a request was most likely to have come (Id., p. 53) because they were "the two members of the White House staff who were closest to CIA operations." (Id., p. 54).

At another point in his initial testimony, Bissell said that the creation of the capability "may have been initiated within the Agency" (Id., p. 81). And still later he said: "there is little doubt in my mind that Project RIFLE was discussed with Rostow and possibly Bundy" (Bissell, 6/11/75, p. 46).

When Bissell returned to the Committee on July 17 and 22, his testimony, given in light of information gained since his earlier

appearances, was that there was no White House urging for the creation of the executive action project, although tacit approval for the "research" project was probably given by Bundy after it was established.

First, he was shown the Harvey notes which had been preserved and which, without any mention of the White House, indicated Harvey had received his assignment prior to January 25/26, 1961. Those dates -- just 5 days after the change of administration -- made Bissell conclude that it was "very unlikely that that assignment to [Harvey] was taken as a result of White House urging or consultation" (Bissell, 7/17/75, p. 10). Bissell said that Bundy did not have any influence on the performance of his Agency duties before the Presidential inauguration (Bissell, 7/22/75, p. 23). Bissell added that he did not remember meeting with anyone in the new administration on matters prior to the inauguration (Bissell, 7/22/75, p. 23).

Second, when he returned in July, Bissell also said he was convinced by telephone conversations with Rostow and Bundy that based upon Rostow's duties -- which, in 1961, had nothing to do with covert action -- he "never discussed" executive action with Rostow (Bissell, 7/17/75, p. 10; 7/27/75, p. 22).

As for Bundy, Bissell's final testimony (after telephone contact with Bundy) was that he believed that he had informed Bundy about the capability after it had been created (Bissell, 7/17/75, pp. 10-11; 7/22/75, pp. 21-22). But Bissell confirmed his original testimony (6/9/75, pp. _____) that he did not brief Bundy on the

actual assassination plots against Castro already undertaken by the CIA (Bissell, 6/11/75, p. 47; 7/22/75, p. 31). Bissell was "quite certain" that he would not have expected Bundy to mention the executive action capability to the President. (Bissell, 7/22/75, p. 35). Bissell testified:

> Q. Would you think the development of a capability to kill foreign leaders was a matter of sufficient importance to bring to the attention of the President?
>
> Bissell: In that context and at that time and given the limited scope of activities within that project, I would not." (Bissell, 7/22/75, p. 35).

Bissell said that he and Bundy spoke about an untargeted "capability" rather than the plan or approval for an assassination operation (Bissell, 7/17/75, p. 11). Bissell said that although he does not have a specific recollection, he "might have" mentioned Castro, Lumumba, and Trujillo in the course of a discussion of executive action "because these were the sorts of individuals at that moment in history against whom such a capability might possibly have been employed." (Bissell, 6/11/75, pp. 50-51).

Bissell said his impression was that Bundy, in addition to expressing no unfavorable reaction to the project, might have actually given a more affirmative reaction (Bissell, 7/22/75, pp. 25, 28). Bissell testified that he might have interpreted Bundy's reaction as approval for the executive action concept (Bissell, 7/22/75, p. 30).

> Q: ... I think the testimony of this witness is going further in saying what you received from (Bundy) was, in your view, tantamount to approval?
>
> Bissell: I, at least, interpreted it as you can call it approval, or you could say no objection. He (Bundy)

was briefed on something that was being done, as I now believe, on the initiative of the Agency. His (Bundy's) comment is that he made no objection to it. I suspect that his reaction was somewhat more favorable than that, but this is a matter that probably someone listening to the conversation on which such a person could have had differing interpretations. (Bissell, 7/22/75, p. 33).

Bissell's testimony on any conversation with Bundy regarding executive action was speculative reconstruction from first appearance to last because he had no "clear recollection" of the events (Bissell, 7/22/75, pp. 29, 36). But Bissell maintained that more "formal and specific and explicit approval would have been required" before any "actual overt steps in use of the capability." (Bissell, 7/22/75, p. 31).

Bissell said that Harvey's notation about White House urgings to develop an executive action capability may have been a slightly confused account of a conversation subsequent to the initiation of the project in which Bissell relayed Bundy's reaction to Harvey (Bissell, 7/22/75, p. 25).

Bissell testified that the development of an executive action capability was "undoubtedly" initiated within the Agency (Bissell, 7/22/75, p. 22). He had acknowledged on his first day of testimony that this would not have been unusual:

it was the normal practice in the Agency and an important part of its mission to create various kinds of capability long before there was any reason to be certain whether those would be used or where or how or for what purpose. The whole ongoing job of ... a secret intelligence service of recruiting agents is of that character.... So it would not be particularly surprising to me if the

> decision to create ... this capability had been taken without an outside request. (Bissell, 6/9/75, pp. 67-68).*

Bundy: McGeorge Bundy also testified that he had a conversation with Bissell, during which the executive action capability was discussed (Bundy, pp. 4-5). Bundy's testimony comports with Bissell's on the fact that they spoke about an untargeted capability, rather than an assassination operation (Bundy, pp. 4-5). But Bundy said that the capability included "killing the individual" (Bundy, p. 5).** Bundy's impression was that the CIA was "testing my reaction," not "seeking authority" (Bundy, p. 15). Bundy summarized his testimony by saying:

> I am sure I gave no instruction. But it is only fair to add that I do not recall that I offered any impediment either. (Bundy, p. 10)

Bundy said that he did not take steps to halt the development of the executive action capability or "pursue the matter at all" (Bundy, p. 19) because he was satisfied

> that this was not an operational activity, and would not become such without two conditions: first, that there be a desire or a request or a guidance that there should be planning against some specific individual; and second, that there should be a decision to move against the individual. (Bundy, p. 7).

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* For example, Bissell testified that on his own initiative, he had requested a CIA officer to go to the Congo to "make plans and develop the capability" for an assassination attempt against Lumumba, if ordered (Bissell, 6/11/75, p. 55).

** Bundy also testified that he had a vague recollection of hearing about poison in relation to Cuba, but he did not connect this to the conversation about executive action. (See footnote, p. 6, Kennedy Pre-Bay of Pigs section, supra.)

Bundy testified that he believed that neither of these conditions had been fulfilled (Bundy, p. 7).

Bundy recalled the conversation as taking place "sometime in the early months of 1961." (Bundy, p. 4). When questioned about the dates in Harvey's notes, Bundy rated the chance that the conversation about executive action took place before January 25 -- when Harvey was already discussing the project at the CIA pursuant to Bissell's directive -- as "near zero" because the new Administration had been in office less than a week and he had been preoccupied with other problems, including the Berlin crisis and reorganizing the National Security staff (Bundy, p. 9).

Bundy testified that he did not brief the President on the executive action project:

> Chairman: And you have testified that you did not take the matter to the President?
>
> Bundy: As far as I can recall, Mr. Chairman. (Bundy, p. 16)

Bundy explained that the division of responsibility for national security affairs excluded Rostow from jurisdiction over covert operations, making it unlikely that Rostow would be briefed on a project like ZRRIFLE (Bundy, p. 11; Rostow, p. 11).

Rostow: Rostow testified that he was "morally certain" that during his entire tenure in government, he never heard a reference to executive action or "such a capability or such an intention to act by the U.S." (Rostow, pp. 10, 13).

Goodpaster and Gray: The responsibility for national security affairs during the latter part of the Eisenhower Administration was borne by Andrew Goodpaster and Gordon Gray. However, there was no evidence which raised the name of either man in connection with the development of an executive action capability. Both Goodpaster and Gray testified to having no knowledge of it. (Goodpaster, p. 11; Gray, p. 56.)

(c) Authorization or Knowledge of Executive Action Project by DCI

Richard Bissell said he was "quite certain" that Allen Dulles had full knowledge of the executive action project for two reasons: first, it "would have come to the DCI's attention" at the time of the transfer of William Harvey between components of the Agency to work on Cuban operations;* and second, Bissell "would imagine" it was mentioned to Dulles at the initiation of the project (Bissell, 7/22/75, p. 35). Bissell and Harvey briefed Richard Helms on Project ZRRIFLE when he became DDP (Bissell, 6/11/75, p. 53; Harvey, 7/11/75, p. 63). But Bissell did not recall briefing John McCone about the project when McCone took over as DCI (Bissell, 7/17/75, p. 11). McCone testified that he had no knowledge of such a project (McCone, p. 43).

William Harvey said it was assumed that the project was within the parameters permitted by the DCI. But Harvey testified that officially advising the DCI of the existence of the project

* Harvey's transfer to Cuban operations was not completed until late in 1961.

was "a bridge we did not cross" and would not have crossed until "there was either specific targeting or a specific operation or a specific recruitment." (Harvey, 6/25/75, p. 59).

(d) The Question of Whether Project ZRRIFLE was Connected to Any Actual Assassination Plots

The Committee has sought to determine whether the CIA development of an executive action capability was related in any way to the actual assassination efforts. One question raised by this inquiry is whether the participants in the assassination operations might have perceived the executive action capability as in some way lending legitimacy to the actual assassination efforts.

(i) Conversation Between Bissell and Bundy

In his early testimony, Bissell said he did not have a recollection of whether he discussed the names of Castro, Lumumba, and Trujillo with anyone in the White House in the course of discussing the project to develop an executive action capability (Bissell, 6/11/75, p. 51). However, Bissell testified that it was "perfectly plausible that I would have used examples" (Bissell, 6/11/75, p. 51). He continued:

> in such a discussion of a capability, I might well have used the three names that I just gave, because these were the sorts of individuals at that moment in history against whom such a capability might possibly have been employed." (Bissell, 6/11/75, p. 51).

Bissell and Bundy both testified, however, that their discussion of the development of the capability for assassination did not involve any mention of actual assassination plans or

attempts (see detailed treatment at Section (b), supra). There is no testimony to the contrary. The account of this conversation raises a question as to whether Bissell acted properly in withholding from Bundy the fact that assassination efforts against Castro had already been mounted and were moving forward. Bundy was responsible to a new President for national security affairs and Bissell was his principal source of information about covert operations at the CIA.

(ii) Bissell's Instruction to Take Over Responsibility for Underworld Contact: November 1961

Both Bissell and Harvey recall a meeting in November 1961 in which Harvey was instructed to take over the contact with John Roselli (Bissell, 6/11/75, pp. 19, 47; Harvey, 6/25/75, p. 86; and 6/11/75, p. 19)--which had been used for the initial poison pill plot as part of Project ZR/RIFLE. Harvey's notes placed the meeting on November 15, 1961 (I.G., p. 39), during the period in which Harvey was freed from his duties on another Agency staff to take over direction of Task Force W, the locus of CIA activity against the Castro regime.

According to Bissell and Harvey, the November meeting involved only the planning and research of a capability rather than a targeted operation against Castro (Bissell, 7/17/75, p. 13; Harvey, 7/11/75, p. 60). But Bissell acknowledged that the purpose of the Roselli contact had been to assassinate Castro, and that "it is a fair inference that there would have been no reason to maintain

it [the contact] unless there was some possibility of reactivating that operation" (Bissell, 6/11/75, p. 19). Bissell stated that because the assassination plot against Castro involving the syndicate

> had been stood down after the Bay of Pigs . . . and there was no authorization to pursue it actively . . . the responsibility that was given to him [Harvey] was that of taking over an inactive contact." (Bissell, 7/17/75, p. 14)

Bissell said that he had, in effect, asked Harvey to stand watch over the contact in case any action should be required and further testified that it was never required.

The Inspector General's Report stated: "After Harvey took over the Castro operation, he ran it as one aspect of ZRRIFLE." (I.G., p. 40). Harvey recalled that during a discussion with Bissell of the creation of an executive action capability, Bissell advised him of "a then going operation" involving the names of Maheu and possibly Roselli and Giancana, "which was a part of the Agency's effort to develop . . . a capability for executive action." (Harvey, 7/11/75, pp. 55, 61). Harvey said that at the time of this discussion, the operation had been "in train" for "approximately two years or perhaps 18 months." (Harvey, 7/11/75, p. 54).

Although his "net impression" was that both the "exploratory project" and the "specific operation" were "fully authorized and approved", Harvey said he could not testify that "specific White House authority for this given operation was implied or stated". (Harvey, 7/11/75, p. 54.) Bissell does not recall telling anyone in the White House that something had been done to

bring a CIA officer together with the criminal syndicate (Bissell, 6/11/75, pp. 19-20). Harvey did not recall any mention of the White House or any higher authority than the DDP in his November meeting with Bissell (Harvey, 7/11/75, pp. 60-61).

Although Richard Helms was briefed and given administrative responsibility (as DDP) for Project ZR/RIFLE three months later, he did not recall that ZR/RIFLE was ever contemplated as a capability to assassinate Castro (Helms, 6/13/75, p. 55). Asked whether the actual assassination efforts against Castro were related to ZR/RIFLE (executive action), Helms testified: "In my mind those lines never crossed" (Helms, 6/13/75, p. 52). However, Bissell's testimony leaves more ambiguity: "the contact with the syndicate which had Castro as its target . . . folded into the ZR/RIFLE project . . . and they became one" (Bissell, 6/11/75, p. 47). When asked by Senator Baker whether the executive action "capability . .. for assassination" was "used against Castro", Bissell replied that it was "in the later phase". (Bissell, 6/11/75, p. 47). The instruction from Bissell to Harvey on November 15, 1961, however, preceded the reactivation of the CIA-syndicate assassination operation against Castro by approximately five months.

(iii) <u>Use of Agent QJ/WIN in Africa</u>

QJ/WIN was a foreign citizen with a criminal background who had been recruited by the CIA for certain sensitive programs involving surreptitious entries which pre-dated Project

ZR/RIFLE. Harvey testified that QJ/WIN's function after the advent of Project ZR/RIFLE in 1961 was restricted to the "spotting" of potential assets for "multi-purpose" covert use.

However, in the Fall of 1960--before Harvey was assigned to create Project ZR/RIFLE by Richard Bissell--agent QJ/WIN had been dispatched to the Congo by Arnold Silver, his supervising CIA case officer in Europe. William Harvey, as the Chief of the CIA Foreign Intelligence staff on which Silver worked, had ordered QJ/WIN's mission to the Congo (CIA Dispatch AUDW-147, 11/2/60) and arranged the financial accounting for the mission afterward (Memorandum to Finance Division from William K. Harvey, 1/11/61). [QJ/WIN's activities in the Congo are treated in detail in the discussion of the Lumumba case; see Section ___, supra.]

There are two factors which may raise a question as to whether QJ/WIN was being used in an ad hoc capacity to develop an assassination capability before ZR/RIFLE was formally initiated. First, there is a similarity in the cast of characters: Harvey, QJ/WIN, Silver, and Gottlieb were connected with the Lumumba matter and reappear in connection with the subsequent development of ZR/RIFLE. Second, Bissell informed Harvey that the development of an assassination capability had already been discussed with Silver and Gottlieb before Harvey's assignment to ZR/RIFLE (Harvey, 6/25/75, p. 52; I.G. Report, pp. 37-38).

Nevertheless, there does not appear to be any firm evidence of a connection between QJ/WIN and the plot to assassinate Lumumba.

FINAL DRAFT

TOP SECRET

R948

TRUJILLO

Agreed to by drafting subcommittee on August 28, 1975*

Summary

Rafael Trujillo was assassinated by a group of Dominican dissidents on May 30, 1961.

Trujillo was a brutal dictator, and both the Eisenhower and Kennedy Administrations encouraged the overthrow of his regime by Dominican dissidents. Toward that end the highest policy levels of both Administrations approved or condoned supplying arms to the dissidents. Although there is no evidence that the United States instigated any assassination activity, certain evidence tends to link United States officials to the assassination plans.

Material support, consisting of three pistols and three carbines, was supplied to various dissidents. While United States' officials knew that the dissidents intended to overthrow Trujillo, probably by assassination, there is no direct evidence that the weapons which were passed were used in the assassination. The evidence is inconclusive as to how high in the two Administrations information about the dissidents' assassination plots had been passed prior to the spring of 1961.

Beginning in March of 1961, the dissidents began asking United States officials for machine guns. By the time four M-3 machine guns were shipped to the CIA Station Chief in the Dominican capitol in April, it was well known that the dissidents wanted them for use in connection with the assassination. Thereafter, however, permission to deliver the machine guns to the dissidents was denied, and the guns were never passed. Two days before the assassination, President Kennedy personally authorized a cable to the U.S. Consul General

* The second paragraph under V.A.3.c. and the paragraph under VII.C. were drafted pursuant to the directions of the Subcommittee but have not been reviewed by the Subcommittee.

in the Dominican Republic stating that the United States government, as a matter of general principle, could not condone political assassinations, but at the same time indicating the United States continued to support the dissidents and stood ready to recognize them in the event they were successful in their endeavor to overthrow Trujillo.

I. Background

Rafael Trujillo came to power in the Dominican Republic in 1930. For most of his tenure, the United States government supported him and he was regarded throughout much of the Caribbean and Latin America as a protege of the United States. Trujillo's rule, always harsh and dictatorial, became more arbitrary during the 1950's. As a result, the United States States' image was increasingly tarnished in the eyes of many Latin Americans.

Increasing American awareness of Trujillo's brutality and fear that it would lead to a Castro-type revolution caused U.S. officials to consider various plans to hasten his abdication or downfall.

As early as February 1960 the Eisenhower administration gave high level consideration to a program of covert aid to Dominican dissidents. (Special Group minutes, 2/10/60). In April 1960 President Eisenhower approved a contingency plan for the Dominican Republic which provided, in part, that if the situation deteriorated still further:

> "...the United States would immediately take political action to remove Trujillo from the Dominican Republic as soon as a suitable successor regime can be induced to take over with the assurance of U.S. political, economic, and -- if necessary -- military support." (Memo from Secretary of State Herter to the President, 4/14/60; Presidential approval indicated in Herter letter to Secretary of Defense Gates, 4/21/60.)

Simultaneously, the United States was trying to organize hemispheric opposition to the Castro regime in Cuba. Latin

American leaders, such as President Betancourt of Venezuela, pressed the United States to take affirmative action against Trujillo to dispel criticism that the U.S. opposed dictatorships of the left only. A belief that Castro's road to power was paved by the excesses of Batista led to concern that the Dominican Republic might also eventually fall victim to a Castro-style Communist regime. (Rusk, pp. 8,9)

II. Initial Contact with Dissidents and Request for Arms

During the spring of 1960, the U.S. ambassador to the Dominican Republic, Joseph Farland, made initial contact with dissidents who sought to free their country from Trujillo's grasp. They asked for sniper rifles. Although documentary evidence indicates that a recommendation to provide these rifles was approved both within the State Department and the CIA, the rifles were never provided.

A. Dissident Contacts

Ambassador Farland established contact with a group of dissidents regarded as moderate, pro-U.S. and desirous of establishing a democratic form of government.* (Farland affidavit) Prior to his final departure from the Dominican Republic in May 1960, the Ambassador introduced his Deputy-Chief-of-Mission, Henry Dearborn, to the dissident leaders, indicating that

* This loosely-organized group, with which contact was established, was referred to in cables, correspondence, and memoranda as "the dissidents" and is so referenced herein.

Dearborn could be trusted. Then on June 16, 1960, CIA Headquarters* cabled a request that Dearborn become the "communications link" between the dissidents and CIA. The cable /stated/ that Dearborn's role had the "unofficial approval of /Assistant Secretary of State for Inter-American Affairs, Roy R./ Rubottom" (Emphasis in original.) (HQS to Station cable 6/16/60).

Dearborn agreed. He requested, however, that the CIA confirm the arrangement with the dissidents as being that the U.S. would "clandestinely" assist the opposition to "develop effective force to accomplish Trujillo overthrow," but would not "undertake any overt action itself against Trujillo government while it is in full control of Dominican Republic" (Station to HQS cable 6/17/60). CIA Headqaurters confirmed Dearborn's understanding of the arrangement (HQS to Station cable 6/19/60).

B. The Sniper Rifles

During the course of a cocktail party in the Dominican Republic, a leading dissident made a specific request to Ambassador Farland for a limited number of rifles with telescopic sights. The Ambassador promised to pass on the request (Farland affidavit). He apparently did so after returning to Washington in May 1960 (CIA memorandum for the record, 6/7/61).

* As used herein "Headquarters" refers to Headquarters of the Central Intelligency Agency; "Department" indicates the Department of State.

Documents indicate that consideration was given within the CIA to airdropping rifles into the Dominican Republic. At a June 21, 1960, meeting with Ned Holman of the CIA Western Hemisphere Division, Ambassador Farland reportedly suggested possible sites for the drops.
(CIA memo, 6/21/60)

Documents also indicate that a meeting was held around the end of June 1960 between Assistant Secretary of State for Inter-American Affairs Roy R. Rubottom and Col. J. C. King, Chief of CIA's Western Hemisphere Division. Apparently King sought to learn the Assistant Secretary's view regarding "To what extent will the U.S. government participate in the overthrow of Trujillo." A number of questions were raised by King, among them:

> "c. Would it provide a small number of sniper rifles or other devices for the removal of key Trujillo people from the scene?"

King's handwritten notes indicate that Rubottom's response to that question was "yes" (CIA memo of 6/28/60; King affidavit)*/

On July 1, 1960, a memorandum directed to General Cabell, the Acting Director of Central Intelligence, was prepared for Colonel King's signature and, in his absence, signed by his principal deputy, Rudy Gomez (I.G. Report, p. 26). The memorandum stated that a principal leader of the anti-Trujillo opposition had asked Ambassador Farland for a limited number of arms to precipitate Trujillo's overthrow, and recognized that such arms

* Neither King nor Rubottom recalls such a meeting, nor does either recall any proposal for supplying sniper rifles. (Rubottom affidavit, King affidavit.)

"presumably would be used against key members of the Trujillo regime." The memorandum recommended that the arms be provided, since the fall of the Trujillo regime appeared inevitable, and therefore U.S. relations with the opposition should be as close as possible. "Providing the arms as requested would contribute significantly toward this end."
(CIA memo, 7/1/60)

Specifically, the recommendation was to deliver to dissidents in the Dominican Republic 12 sterile* rifles with telescopic sights, together with 500 rounds of ammunition.

Paragraph 4 of the memorandum stated:

> "4. Approval for delivery of these arms has been given by Assistant Secretary of State Roy Rubottom, who requests that the arms be placed in hands of the opposition at the earliest possible moment." (Id.)

Gomez's recommendation was concurred in by Richard Helms, as Acting DDP, and approved by General Cabell, (I.G. Report, p. 26).

The kind of arms approved, sterile rifles with telescopic sights, together with the statement that they would be presumably used against key members of the Trujillo regime clearly indicated the "targeted use" for which the weapons were intended. (Bissell, 7/22/75, p. 77).

On July 1, 1960, a cable was sent to Dearborn by CIA Headquarters informing him of the plan to airdrop 12 telescopically-sighted rifles into the Dominican Republic. The

*"Sterile" rifles are "untraceable" rifles. (Bissell, 7/22/75, p. 69)

cable inquired whether the dissidents had the capability to realign the sights if thrown off by the drop. On July 14, 1960, Dearborn replied that the dissident leaders were against any further action in the Dominican Republic until after resolution by the OAS of a Venezuelan complaint then pending against Trujillo. The dissidents reportedly believed that sufficiently strong action by the OAS could bring Trujillo's downfall without further effort on their part. (Station to HQS cable, 7/14/60) The 12 sniper rifles were never furnished to the dissidents.

On August 26, 1960, Dearborn cabled Deputy Assistant Secretary of State Lester Mallory reporting on a meeting between a dissident leader and John Barfield, the Consulate's political officer. The dissident leader was reported to have lost enthusiasm for an assassination attempt and was then speaking of an invasion from Venezuela. However, by September 1, 1960, dissidents were again speaking about the possible provision to them of arms. This time the request was for 200 rifles. For the next several months, consideration centered on providing 200 to 300 guns.

II. <u>Summer and Fall of 1960</u>

In August 1960, the United States severed diplomatic relations with the Dominican Republic and recalled most of its personnel. Dearborn was left as Consul General and *de facto* CIA Chief of Station. Consideration was given both to providing

arms and explosive devices and to the use of high level emissaries to persuade Trujillo to abdicate. By the end of the year, a broad plan of general support to anti-Trujillo forces, both within and without the country, was approved.

A. Diplomatic Development -- Withdrawal of U.S. Personnel

Events occurring during the summer of 1960 further intensified hemispheric opposition to the Trujillo regime. In June agents of Trujillo tried to assassinate Venezuelan President Betancourt. As a result, the OAS censured the Trujillo government. At the same time, in August 1960, the United States broke interupted diplomatic relations with the Dominican Republic and imposed economic sanctions.

With the severance of diplomatic relations, the United States closed its Embassy. Most American personnel, including the CIA Chief of Station, left the Dominican Republic. With the departure of the CIA Chief of Station, Dearborn became de facto CIA Chief of Station and was recognized as such by both CIA and the State Department. Although on January 20, 1961, a new CIA Chief of Station came to the Dominican Republic, Dearborn continued to serve as a link to the dissidents.

B. Dearborn Reports Assassination May be Only Way to Overthrow Trujillo Regime

Dearborn came to believe that no effort to overthrow the

Trujillo government could be successful unless it involved Trujillo's assassination.

He communicated this opinion to both the State Department and the CIA. In July 1960, he advised Assistant Secretary Rubottom that the dissidents were

> "... in no way ready to carry on any type of revolutionary activity in the foreseeable future except the assassination of their principal enemy."
> (Dearborn to Rubottam letter, 7/14/60)

It is uncertain what portion of the information provided by Dearborn to State was passed above the Assistant Secretary level. Through August of 1960, only Assistant Secretary Rubottom, his Deputy, Lester Mallory, and Staff Assistant Frank Devine, were, within the Latin American Division of the Department, aware of Dearborn's "current projects." (Devine to Dearborn letter, 8/15/60)*

By September 1960, Thomas Mann had replaced Roy Rubottom as Assistant Secretary for Inter-American Affairs, and Frank Devine had become a Special Assistant to Mr. Mann. While serving as Special Assistant to the Assistant Secretary, Devine reportedly spent ninety percent of his time coordinating State activities in Latin America. It was in this capacity that Devine maintained almost daily communication with Ned Holman and other officials of the CIA's Western Hemisphere Division (Devine, p.7)

*Dearborn's candid reporting to State during the summer of 1960 raised concern with the Department and he was advised that certain specific information should more appropriately come through "the other channel" (presumably, CIA communications). Dearborn was advised that his cables to State were distributed to at least 19 different recipient offices. (Id.)

Mann solicited Dearborn's comments concerning plans under discussion for forcing Trujillo from power. Dearborn replied in a detailed letter which concluded:

> "One further point which I should probably not even make. From a purely practical standpoint, it will be best for us, for the OAS, and for the Dominican Republic if the Dominicans put an end to Trujillo before he leaves this island. If he has his millions and is a free agent, he will devote his life from exile to preventing stable government in the D.R., to overturning democratic governments and establishing dictatorships in the Caribbean, and to assassinating his enemies. If I were a Dominican, which thank heaven I am not, I would favor destroying Trujillo as being the first necessary step in the salvation of my country and I would regard this, in fact, as my Christian duty. If you recall Dracula, you will remember it was necessary to drive a stake through his heart to prevent a continuation of his crimes. I believe sudden death would be more humane than the solution of the Nuncio who once told me he thought he should pray that Trujillo would have a long and lingering illness." (Dearborn to Mann letter, 10/27/60)

C. <u>Efforts to Convince Trujillo to Abdicate</u>

Throughout the fall of 1960, efforts were made on both the diplomatic and economic fronts aimed at pressuring Trujillo into relinquishing control, and ideally, leaving the Dominican Republic. The use of high level emissaries, both from within and without the ranks of government, was considered. (Special Group Minutes, 9/8/60; Mann to Dearborn corres., 10/10/60) None of the efforts proved successful, and at the end of 1960 Trujillo was still in absolute control.

D. <u>CIA Plans of October 1960</u>

A CIA internal memorandum dated October 3, 1960 entitled

"Plans of the Dominican Internal Opposition and Dominican Desk for Overthrow of the Trujillo Government" set forth plans which "have been developed on a tentative basis which appear feasible and which might be carried out..covertly by CIA with a minimal risk of exposure." These plans provided, in part, for the following:

> "a. Delivery of approximately 300 rifles and pistols, together with ammunition and a supply of grenades, to secure cache on the South shore of the island, about 14 miles East of Ciudad Trujillo.
>
> "b. Delivery to the same cache described above, of an electronic detonating device with remote control features, which could be planted by the dissidents in such manner as to eliminate certain key Trujillo henchmen. This might necessitate training and introducing into the country by illegal entry, a trained technician to set the bomb and detonator." (Emphasis added) (CIA Memorandum, 10/3/60)

E. December 1960 Special Group Plan of Covert Action

On December 29, 1960, the Special Group considered and approved a broad plan of covert support to anti-Trujillo forces. The plan, presented by Bissell, envisioned support to both Dominican exile groups and internal dissidents. The exile groups were to be furnished money to organize and undertake anti-Trujillo propaganda efforts and to refurbish a yacht for use in paramilitary activities. Bissell emphasized

to the Special Group that "the proposed actions would not, of themselves, bring about the desired result in the near future, lacking some decisive stroke against Trujillo himself." (Special Group Minutes, 12/29/60)

IV. January 12, 1961 Special Group Approval of "Limited Supplies of Small Arms and Other Material"

On January 12, 1961, with all members present,* the Special Group met and, according to its Minutes, took the following action with respect to the Dominican Republic:

> "Mr. Merchant explained the feeling of the Department of State that limited supplies of small arms and other material should be made available for dissidents inside the Dominican Republic. Mr. Parrott said that we believe this can be managed securely by CIA, and that the plan would call for final transportation into the country being provided by the dissidents themselves. The Group approved the project." (Special Group Minutes, 1/12/61)

A. Memoranda Underlying the Special Group Action

On January 12, 1961, Thomas Mann sent a memorandum to Under Secretary Livingston Merchant. The memorandum, sent through Joseph Scott, Merchant's Special Assistant, reported on the disillusionment of Dominican dissidents with the United States for its failure to furnish them with any tangible or concrete assistance. Further, it reported:

> Opposition elements have consistently asked us to supply them with "hardware" of various types. This has included quantities of conventional arms and also, rather persistently, they have asked for some of the more exotic items and devices which they associate with revolutationary effort. (Mann to Merchant memo of 1/12/61)

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* The members of the Special Group were at the time: Livingston Merchant, Under Secretary of State for Political Affairs; Gordon Gray, Advisor to the President for National Security Affairs; John N. Irwin, Deputy Secretary of Defense; and Allen Dulles, Director of the Central Intelligence Agency.

Mann suggested for Merchant's consideration and, if he approved, for discussion by the Special Group, the provision of token quantities of selected items desired by the dissidents. Mann specifically mentioned small explosive devices which would place some "sabotage potential" in the hands of dissident elements, but stated that there "would be no thought of toppling the GODR (Government of Dominican Republic) by any such minor measure." (Mann to Merchant memo, 1/12/61) This memorandum was drafted on January 11 by Mann's Special Assistant for CIA liaison, Frank Devine.

A covering memorandum from Scott to Merchant, forwarding Mann's memo, was apparently taken by Merchant to the Special Group meeting. Merchant's handwritten notations indicate that the Special Group "agreed in terms of Tom Mann's memo" and that the Secretary of State was informed of that decision by late afternoon on January 12, 1961. (Scott to Merchant memo, 1/12/61)

There is no evidence that any member of the Special Group, other than Allen Dulles, knew that the dissidents had clearly and repeatedly expressed a desire for arms and explosives to be used by them in assassination efforts.* While it is, of course, possible that such information was passed orally to some or all of the members of the Special Group, and perhaps even discussed by them on January 12, 1961, there is no

*Various CIA cables, including those dealing with the sniper rifles, indicate that copies were sent to the DCI, Allen Dulles.

documentary evidence of which the Committee is aware which would establish this to be the case.

On January 19, 1961, the last day of the Eisenhower administration, Consul General Dearborn was advised that approval had been given for supplying arms and other material to the Dominican dissidents (HQS to Station cable, 1/19/61). Shortly thereafter, Dearborn informed Devine that the dissidents were "delighted" about the decision to deliver "exotic equipment." (Dearborn to Devine cable, 1/31/61)

V. January 20, 1961 - April 17, 1961
(the Kennedy Administration Through the Bay of Pigs)

On January 20, 1961, the Kennedy administration took office. Three of the four members of the Special Group (all except Allen Dulles) retired.

Prior to the failure of the Bay of Pigs invasion on April 17, 1961, a number of significant events occurred. These events included meetings with Dominican dissidents in which specific assassination plans were discussed, requests by dissidents for explosive devices, the passage by U.S. officials of pistols and carbines to dissidents inside the Dominican Republic, and the pouching to the Dominican Republic of machine guns which had been requested by the dissidents for use in connection with an assassination attempt.*

*As indicated in the post-Bay of Pigs section, *infra*, permission to pass those machine guns was denied and the guns were never passed.

These events are discussed below under subheading A.

Evidence reflecting the degree of knowledge of those events possessed by senior American officials is treated thereafter. As used herein, "senior American officials" means individuals in the White House or serving as members of the Special Group.

A. Specific Events Indirectly Linking U.S. to Dissidents' Assassination Plans

1. Assassination Discussions and Requests for Explosives

At meetings held with dissident leaders in New York City on February 10 and 15, 1961, CIA officials were told repeatedly by dissident leaders that "the key to the success of the plot [to overthrow the Trujillo regime] would be the assassination of Trujillo." (CIA memo for the record, 2/13/61) Among the requests made of the CIA by dissident leaders were the following:

(a) Ex-FBI agents who would plan and execute the death of Trujillo.

(b) Cameras and other items that could be used to fire projectiles.

(c) A slow-working chemical that could be rubbed on the palm of one's hand and transferred to Trujillo in a handshake, causing delayed lethal results.

(d) Silencers for rifles that could kill from a distance of several miles. (Id.)

Other methods of assassinating Trujillo proposed by dissidents

at the February 10 or February 15 meetings included poisoning Trujillo's food or medicines, ambushing his automobile, and attacking him with firearms and grenades. (CIA memo for the record, 2/13/61; 2/16/61)*

The dissidents' "latest plot", as described in the February CIA memoranda, was said to involve the planting of a powerful bomb, which could be detonated from a nearby electric device, along the route of Trujillo's evening walk. (Id.)

On March 13, 1961, a dissident in the Dominican Republic asked for fragmentation grenades "for use during the next week or so." This request was communicated to CIA Headquarters on March 14, 1961, and was followed the next day by an additional request for 50 fragmentation grenades, 5 rapid-fire weapons, and 10 64 mm anti-tank rockets. This further request was also passed on to CIA Headquarters. (Station to HQS cable, 3/15/61) There is no evidence that any of these arms were supplied to the dissidents.

The documentary record makes clear that Frank Devine at the State Department was also advised of related developments in a March 16, 1961, "picnic" letter from Dearborn who complained that his spirits were in the doldrums because:

> ". . . the members of our club are now prepared in their minds to have a picnic but do not have the ingredients for the salad. Lately they have developed a plan for the picnic, which just might work if they could find the proper food. They

* There is no record that the CIA responded affirmatively to any of these requests and the CIA officer who drafted the February 13 memorandum stated the view that some of the questions raised by the dissidents did not require an answer.

> have asked us for a few sandwiches, hardly more, and we are not prepared to make them available. Last week we were asked to furnish three or four pineapples for a party in the near future, but I could remember nothing in my instructions that would have allowed me to contribute this ingredient. Don't think I wasn't tempted. I have rather specific guidelines to the effect that salad ingredients will be delivered outside the picnic grounds and will be brought to the area by another club. (Dearborn letter to Devine, 3/16/61)

After reviewing his "picnic" letter, together with the requests in the March 14 and 15 cables discussed above, Dearborn concluded during his testimony before the Committee that the "pineapples" were probably the requested fragmentation grenades and the restriction on delivering salad ingredients outside of the picnic grounds was, almost certainly, meant to refer to the requirements of the January 12 Special Group order that arms be delivered outside the Dominican Republic. (Dearborn 7/29, pp. 25-27).

2. The Passage of Pistols

a. Pouching to the Dominican Republic

In a March 15, 1961 cable, Chief of Station Owen reported that Dearborn had asked for three .38 caliber pistols for issue to several dissidents. In reply, Headquarters cabled: "Regret no authorization exists to suspend pouch regulations against shipment of arms" and indicated that their reply had been coordinated with State. (HQS to Station cable, 3/17/61) The Station Chief then asked Headquarters to seek the necessary authorization and noted that at his last two posts, he had received pistols via the pouch for "worthy purposes" and,

therefore, he knew it could be done. (Station to Hqs cable, 3/21/61) Two days later, Headquarters cabled that the pistols and ammunition were being pouched. However, the Station Chief was instructed not to advise Dearborn. (Hqs. to Station cable, 3/24/61)*

b. Reason for the CIA Instruction Not to Tell Dearborn

Owen testified that he believed the "don't tell Dearborn the pistol is being pouched" language simply meant that the sending of firearms through the diplomatic pouch was not something to be unnecessarily discussed. (Owen, pp. 78,79) Dearborn said he never doubted the pouch was used, since he knew Owen had no other means of receiving weapons. (Dearborn, 7/29, p. 33)

c. Were the Pistols Related to Assassination?

Dearborn testified that he had asked for a single pistol for purposes completely unrelated to any assassination consideration. (Dearborn, 7/29, pp. 29-31) He said he had been approached by a Dominican contact who lived in a remote area and was concerned for the safety of his family in the event of political reprisals. Dearborn testified that he had believed

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* The Inspector General's Report, issued in connection with a review of these events, concludes that:

> "There is no indication in the EMDEED operational files that the pistols were actually pouched. The request for pistols appears to have been overtaken by a subsequent request for submachine guns." (I.G. Report, p. 60)

This conclusion is difficult to understand in light of the March 24, 1961, Headquarters to Station cable, which provides:

> "C. Pouching revolvers and ammo requested TRUJ 0462 (in 20040) on 28 March. Do not advise (name Dearborn deleted) this material being pouched. Explanation follows."

the man's fears were well-founded and had promised to seek a pistol.*

Although there is no direct evidence linking any of these pistols to the assassination of Trujillo, a June 7, 1961, CIA memorandum, unsigned and with no attribution as to source, states that two of the three pistols were passed by Owen to Lorenzo "Wimpy" Berry, a United States citizen who was in direct contact with the action element of the dissident group. It should also be noted that the assassination was apparently conducted with almost complete reliance upon hand weapons. Whether one or more of these .38 caliber Smith & Wesson pistols eventually came into the hands of the assassins and, if so, whether they were used in connection with the assassination, remain open questions.

Both Dearborn and Owen testified that they regarded the pistols as weapons for self-defense purposes and they never considered them in any way connected with the then-current assassination plans. (Dearborn 7/29, p.70; Owen, pp.38,73) However, none of the Headquarters cables inquired as to the purpose for which the handguns were sought and Owen's cable stated only that Dearborn wanted them for passage to dissidents. (Station to HQS cable, 3/15/61) Indeed, the March 24, 1961,

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*Dearborn is clear in his recollection that he asked Owen to request only one pistol. (Dearborn, 7/29, pp.30,31) Owen, on the other hand, testified that if his cables requested three pistols for Dearborn then Dearborn must have asked for three pistols. (Owen, p.72)

The pistols were, however, apparently sent in one package (HQS to Station cables,3/27/61 and 3/24/61) and Dearborn testified that, what he believed to be the one gun, came "wrapped up" and that he passed it. (Dearborn, 7/29,p.30)

cable advising that the pistols were being pouched is the very cable which was sent in response to a request by the dissidents for machine guns to be used in an assassination effort which had been previously described to Headquarters. As with the carbines discussed below, it appears that little, if any, concern was expressed within the Agency over passing these weapons to would-be assassins.

3. Passing of the Carbines

a. Request by Owen and Dearborn and Approval by CIA

In a March 26, 1961 cable to CIA Headquarters, Owen asked for permission to pass to the dissidents three 30 caliber M1 carbines. The guns had been left behind in the Consulate by Navy personnel after the U.S. broke formal diplomatic relations in August 1960. Dearborn testified that he knew of and concurred in the proposal to supply the carbines to the dissidents. (Dearborn 7/29, pp. 42,43) On March 31, 1961 CIA Headquarters cabled approval of the request to pass the carbines. (Hqs to Station cable, 3/31/61)

b. Were the Carbines Related to Assassination?

The carbines were passed to the action group contact, Wimpy Berry, on April 7, 1961. (Station to HQS cable, 4/8/61) Eventually, they found their way into the hands of one of the assassins, Antonio de la Maza. (Station to HQS cable, 4/26/61; I.G. Report pp. 46, 49) Both Dearborn and Owen testified that the carbines were at all times viewed as strictly a token show

of support, indicating U.S. support of the dissidents' efforts to overthrow Trujillo. (Dearborn 7/29, pp. 46-48; Owen p. 39)

c. <u>Failure to Disclose to State Department Officials in Washington</u>

There is no indication that the request or the passage of the carbines was disclosed to State Department officials in Washington until several weeks after the passage. In fact, on April 5, Headquarters requested its Station to ask Dearborn not to comment in correspondence with State that the carbines and ammunition were being passed to the dissidents. This cable was sent while Owen was in Washington, and it indicated that upon his return to the Dominican Republic, he would explain the request. The Station replied that Dearborn had not commented on the carbines and ammunition in his correspondence with State and he realized the necessity not to do so. (Station to HQS cable, 4/6/61)

Dearborn testified, however, that he believed, at the time of his April 6 cable, that someone in the State Department had been consulted in advance and had approved the passage of the carbines (Dearborn 7/29, p. 44)

3. Requests For and Pouching of the Machine Guns

a. Owen Requests Machine Guns for Use in Assassination

The Station Chief suggested that Headquarters consider pouching an M3 machine gun on February 10, 1961 (Owen, pp. 63,64; Station to HQS cable, 3/15/61). The request was raised again in March but no action was taken. On March 20, 1961, Owen cabled a dissident request for five M3 or comparable machine guns specifying their wish that the arms be sent via the diplomatic pouch or similar means. The dissidents were said to feel that delivery by air drop or transfer at sea would overly-tax their resources. (Station to HQS cable, 3/20/61)

The machine guns sought by the dissidents were clearly identified, in Owen's cable, as being sought for use in connection with an attempt to assassinate Trujillo. This plan was to kill Trujillo in the apartment of his mistress and, according to Owen's cable:

> "4. To do they need five M3 or comparable machine-guns. and 1500 rounds ammo for personal defense in event fire fight. Will use quiet weapons for basic job." (Id.)

In essence, CIA's response was that the timing for an assassination was wrong. Owen was told that precipitious or uncoordinated action could lead to the emergence of a leftist, Castro-type regime and the "mere disposal of Trujillo may create more problems than solutions." It was Headquarters' position that:

> "...we should attempt to avoid precipitous action by the internal dissidents until opposition group and HQS are better prepared to support /assassination/*, effect a change in the regime, and cope with the aftermath." (HQS to Station cable, 3/24/61)

* Word supplied by CIA in previously sanitized cable.

The cable also stated that Headquarters was prepared to deliver machine guns and ammunition to the dissidents when they developed a capability to received them, but that security considerations precluded use of U.S. facilities as a carrier.* Soon, thereafter, on April 6, 1961, while Owen was in Washington for consultation with Headquarters, he reported on events in the Dominican Republic and

> "especially on the insistence of the EMOTH [dissident] leaders that they be provided with a limited number of small arms for their own protection (specifically, five M3 caliber .45 SMG's)." (CIA memo for the record, 4/11/61)

b. Pouching the Machine Guns is Approved by Bissell

Accordingly, on April 7, 1961, a Pouch Restriction Waiver Request and Certification was submitted seeking permission to pouch "four M3 machine guns and 240 rounds of ammunition on a priority basis for issuance to a small action group to be used for self protection." (Pouch Restriction Waiver Request 4/7/61)

The request, submitted on behalf of the Chief, Western Hemisphere Division, further provided:

> "B. A determination has been made that the issuance of this equipment to the action group is desirable if for no other reason than to assure this important group's continued cooperation with and confidence in this Agency's determination to live up to its earlier commitments to the group. These commitments took

* This same cable of March 24, 1961, is the one which advised that the revolvers and ammunition were being pouched.

TOP SECRET

> the form of advising the group in January 1961 that we would provide limited arms and assistance to them provided they develop the capability to receive it. Operational circumstances have prevented this group from developing the assets capable of receiving the above equipment through normal clandestine channels such as air drops or sea infiltration."

The Waiver Request was approved by Richard Bissell, as Deputy Director (Plans), on April 10, 1961. (Id.)

The machine guns were pouched to the Dominican Republic and were received by the station on April 19, 1961.* (I.G. Report, p. 42; Station to Headquarters cable, 4/19/61).

On April 10, Walter Elder, Assistant to the Director, had issued a memorandum which stated:

> "Mr. Dulles wants no action on drops of leaflets or arms in the Dominican Republic taken without his approval." (Elder memorandum of 4/10/61).**

The Elder memorandum suggests that Dulles did not know that an air drop of arms was regarded as unfeasible and that pouching had been approved.

B. Knowledge of Senior American Officials (pre-Bay of Pigs)

On February 14, 1961, prior to the passage of weapons, but a month after the generalized approval of the passage of arms by the prior administration, a meeting of the Special Group was held with Messrs. McNamara, Gilpatric, Bowles, Bundy, Dulles, Bissell, and General Cabell in attendance.

* Permission to pass the machine guns was never obtained and the guns never passed into the hands of the dissidents. The matter is discussed in detail beginning at page ;

** Elder testified that this note, sent the weekend before the Bay of Pigs invasion of Cuba, was intended to make sure that there were no unusual planes shot down or any unnecessary noise in the Dominican Republic" prior to the Cuba invasion. (Elder, p. 51)

The minutes state that:

> "Mr. Dulles, assisted by Mr. Bissell, then summarized for the benefit of the new members of the Special Group the specific actions taken by the predecessor group during the past year, and also a list of significant projects which antedate the beginning of 1960 and which it is planned to continue." (Special Group Minutes of 2/14/61)

In the course of the discussion, the following point, among others, was made:

> "(a) Dominican Republic -- Mr. Bundy asked that a memorandum be prepared for higher authority on the subject of what plans can be made for a successor government to Trujillo." (Id.)

The request attributed to Bundy suggests that the Dominican Republic had been one of the matters on which Dulles and Bissell briefed the new members.

What is unclear from the February 14 minutes (just as it is unclear from the January 12 minutes) is the degree to which the Special Group was informed concerning the means by which the dissidents planned to accomplish the overthrow of the Trujillo regime. Specifically, it is not known if the new members of the Special Group were told that the dissident group had expressed the desire to assassinate Trujillo. Nor is it known if the Special Group was

advised that the State Department representative in the Dominican Republic had made the assessment that the Dominican government could not be overthrown without the assassination of Trujillo.

Bissell testified that he had no clear recollection of the details of the February 14 briefing and he was unable to say whether or not the method of overthrow to be attempted by the dissidents was discussed. (Bissell, 7/22, pp. 101, 102) Robert McNamara, one of the new members of the Special Group in attendance for the briefing, has no recollection as to the specificity in which the Dominican Republic was discussed at the February 14 meeting. He does not recall any mention by either Dulles or Bissell of dissident plans to assassinate Trujillo. (McNamara affidavit).

February Memoranda

The Secretary of State sent the President a memorandum on February 15, 1961, in response to a request concerning progress to assure an orderly takeover "should Trujillo fall." The memorandum advised that:

> "Our representatives in the Dominican Republic have, at considerable risk to those involved, established contacts with numerous leaders of the underground opposition . . . /and/ . . . the CIA has recently been authorized to arrange for delivery to them outside the Dominican Republic of small arms and sabotage equipment."

This reference to recent authorization for delivery of arms indicates that Secretary Rusk had received some briefing concerning events in the Dominican Republic and the January 1961

Special Group decision to provide arms to anti-Trujillo elements. Assistant Secretary for Inter-American Affairs, Thomas Mann; Deputy Assistant Secretary William Coerr; and Special Assistant Frank Devine continued in their respective positions throughout the transition period. The Committee has been furnished no documents indicating that Secretary Rusk or Under Secretary Bowles were specifically advised as to the intentions of the Dominican dissidents to kill Trujillo; intentions of which the Bureau of Inter-American Affairs certainly had knowledge. Indeed, Secretary Rusk testified that he was not personally so advised. (Rusk, 7/10, pp. 41,42)

On February 17, 1961, Richard Bissell sent a briefing paper on the Dominican Republic to McGeorge Bundy, President Kennedy's National Security Advisor. The paper made note of the outstanding Special Group approval for the provision of arms and equipment to Dominican dissidents and stated that the dissidents had been informed that the U.S. was prepared to provide such arms and equipment as soon as they developed the capability to receive them.

The briefing paper also indicated that dissident leaders had informed CIA of "their plan of action which they felt could be implemented if they were provided with arms for 300 men, explosives, and remote control detonation devices." Various witnesses have testified, however, that supplying arms for 300 men would, standing alone, indicate a "non-targeted" use for the

arms (i.e., a paramilitary or revolutionary implementation as opposed to a specifically targeted assassination use). (Bissell, 7/29, p.80),

Concerning the briefing paper, Bissell testified that:

> "... it is perfectly clear that I was aware at the time of the memorandum to Mr. Bundy that these dissident groups were, and had for a long time, been hoping they could accomplish the assassination of Trujillo. As a matter of fact, the requests since some seven or eight months earlier was a perfectly clear indication of that, so that fact was not new knowledge." (Bissell 7/22, p.102)

When asked why the memorandum did not include the fact that the dissidents intended the assassination of Trujillo, Bissell replied:

> "I cannot tell you, Mr. Chairman. I do not remember what considerations moved me. I don't know whether it was because this was common knowledge and it seemed to me unnecessary to include it, or as you are implying, there was an element of concealment here. I would be very surprised if it were the latter, in this case." (Bissell, 7/22, p.101)

In response to questions concerning the lack of information in the February 17, 1961 briefing paper concerning the uses to which the requested arms might likely be put by the dissidents, Bissell stated:

> " . . . I would say that the Agency's failure, if there be a failure here was [not] (sic) to state in writing that the plans of the dissidents would include assassination attempts." (Bissell, 7/22, p.99)

Bissell's briefing paper for Bundy concluded with the assessment that a violent clash might soon occur between Trujillo

and the internal opposition, "which will end either with the liquidation of Trujillo and his cohorts or with a complete roll up of the internal opposition." In this regard, the fear was expressed that existing schedules for the delivery of weapons to the internal opposition might not be sufficiently timely, and it was therefore recommended that consideration be given to caching the requested arms and other materials. (Bissell to Bundy memo, 2/17/61)

Thus, by the middle of February 1961, the senior members of the new administration, and in view of the "for higher authority" nature of Bundy's request, presumably President Kennedy himself, were aware of the outstanding Special Group approval for the passage of arms and other materials to opposition elements within the Dominican Republic. There was no modification or recision of the "inherited" Special Group approval and it would seem fair, therefore, to regard the approval as having been at least acquiesced in by the new administration.

During March and early April 1961, operational levels within both the CIA and the State Department learned of increasingly detailed plans by the dissidents to assassinate Trujillo. There is no evidence that this information was passed to the White House or to any member of the Special Group,

except Allen Dulles.* Similarly, there is no evidence that the passage of the pistols or the carbines or the pouching of the machine guns to the Dominican Republic was disclosed to anyone outside of the CIA during this period.**

VI. April 17, 1961 - May 31, 1961
(Bay of Pigs Through Trujillo Assassination)

Following the failure of the Bay of Pigs invasion, attempts were made by State and CIA representatives in the Dominican Republic to dissuade the dissidents from a precipitous assassination attempt. These efforts to halt the assassination of Trujillo were the result of instructions from CIA Headquarters and were prompted by concern over filling the power vacuum which would result from Trujillo's death.

The machine guns arrived in the Dominican Republic but permission to pass them to the dissidents was never given and the guns never left the Consulate.

Dearborn returned to Washington for consultation and a contingency plan for the Dominican Republic was drafted.

Two days before Trujillo's assassination, Dearborn received a cable of instructions and guidance from President Kennedy. The cable advised that the U.S. must not run the risk of association with political assassination, since the U.S., as a matter of general policy, could not condone assassination. The cable

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* Copies of CIA cables, including the March 20, 1961 cable describing the plan to assassinate Trujillo in the apartment of his mistress were apparently sent to the office of the Director of Central Intelligence.

** Although a copy of the CIA cable advising that the pistols were being pouched was sent to the Director's office, Dulles apparently did not receive copies of the cables approving passage of the carbines or pouching of the machine guns.

further advised Dearborn to continue to hold open offers of material assistance to the dissidents and to advise them of U.S. support for them if they were successful in overthrowing the Trujillo government. The cable also reconfirmed the decision not to pass the machine guns.

A. Decision Not to Pass the Machine Guns and Unsuccessful U.S. Attempt to Stop Assassination Effort

By April 17, 1961, the Bay of Pigs invasion had /operation was a failed/. As a result, there developed a general realization that precipitous action should be avoided in the Dominican Republic until Washington was able to give further consideration to the consequences of a Trujillo overthrow and the power vacuum which would be created. (Bissell, 6/11, p.113) A cable from Headquarters to the Station, on April 17, 1961, advised that it was most important that the machine guns not be passed without additional Headquarters approval.

The machine guns arrived in the Dominican Republic on April 19, 1961, and Headquarters was so advised. The earlier admonition that the machine guns should be held in Station custody until further notice was repeated in a second cable from Headquarters, sent April 20, 1961. This decision was said to have been "based on judgment that filling a vacuum created by assassination now bigger question than ever view unsettled conditions in Caribbean area." (HQs. to Station cable, 4/20/61)

The dissidents continued to press for the release of the machine guns and their requests were passed on to Headquarters

in cables from Dearborn and Owen. (Station to HQS cables 4/25/61) On April 25, 1961, Owen advised Headquarters that Wimpy Berry had informed him that Antonio de la Maza was going to attempt the assassination between April 29 and May 2. Owen also reported that this attempt would use the three carbines passed from the American Consulate, together with whatever else was available. (Id.)

In response to the April 26 cable, Headquarters restated that there was no approval to pass any additional arms to the dissidents and requested Owen to advise the dissidents that the United States was simply not prepared at that time to cope with the aftermath of the assassination. (See C/S comments, Station to HQS cable, 4/27/61) The following day, April 27, 1961, Owen replied that, based upon further discussions with the dissidents, "We doubt statement U.S. government not now prepared to cope with aftermath will dissuade them from attempt." (Station to HQS cable, 4/27/61)

Dearborn recalls receiving instructions that an effort be made to turn off the assassination attempt and testified that efforts to carry out the instructions were unsuccessful. In effect, the dissidents informed him that this was their affair and it could not be turned off to suit the convenience of the U.S. government.

(Dearborn, 7/29, p.52)

On April 30, 1961, Dearborn advised Headquarters that the dissidents had reported to him the assassination attempt was going to take place during the first week of May. The action group was reported to have in its possession three carbines, four to six 12-gauge shotguns and other small arms. Although they reportedly still wanted the machine guns, Dearborn advised Headquarters that the group was going to go ahead with what they had, whether the U.S. wanted them to or not. (Station to HQS cable, 4/30/61)

Dearborn's cable set forth the argument of the action group that, since the U.S. had already assisted the group to some extent and was therefore implicated, the additional assistance of releasing the machine guns would not change the basic relationship. The cable concluded:

> "Owing to far-reaching political implications involved in release or non release of requested items, Headquarters may wish discuss foregoing with State Department." (Id.)

B. Further Consideration of Passing Machine Guns

In reponse, a cable was drafted at CIA Headquarters authorizing passage of the machine guns. The cable which was sent to Allen Dulles, with Bissell's recommendation for its dispatch, provided:

> "Since it appears that opposition group has committed itself to action with or without

> additional support, coupled with fact ref. C items [the carbines] already made available to them for personal defense; station authorized pass ref. A items [the machine guns] to opposition member for their additional protection on their proposed endeavor." (Draft of HQS to Station cable, 5/2/61).

The cable was never sent.

In his testimony before the Committee, Bissell characterized his reasoning for recommending release of the machine guns as:

> " . . . having made already a considerable investment in this dissident group and its plans that we might as well make the additional investment." (Bissell, 7/22, p.127)

The following day, May 3, 1961, Ray Herbert, Deputy Chief of the Western Hemisphere Division of CIA, who frequently acted as liaison with the State Department in matters concerning covert operations in the Dominican Republic, met with Adolph Berle, Chairman of the State Department's Interagency Task Force on Latin America.

A Berle memorandum of the meeting states that Herbert informed Berle that a local group in the Dominican Republic wished to overthrow Trujillo and sought arms for that purpose. The memorandum continued:

> "On cross examination it developed that the real plan was to assassinate Trujillo and they wanted guns for that purpose. Herbert wanted to know what the policy should be.
>
> "I told him I could not care less for Trujillo and that this was the general sentiment. But we did not wish to have any thing to do with any assassination plots anywhere, any time. Herbert said he felt the same way." (Berle, Memo of Conversation, 5/3/61)

Copies of Berle's memorandum were sent to Wymberly Coerr, the Acting Assistant Secretary for Inter-American Affairs, and to Special Assistant Frank Devine.

Both Herbert and Devine, who had been in almost daily contact with each other since August of 1960, had been advised of the assassination plans of the dissident group. In fact, Herbert, along with Bissell, had signed off on the proposed cable of May 2, releasing the machine guns for passage.

C. Special Group Meetings of May 4 and May 18, 1961

On the day following the Berle-Herbert meeting, the Special Group met and, according to the minutes:

> "The DCI referred to recent reports of a new anti-Trujillo plot. He said we never know if one of these is going to work or not, and asked what is the status of contingency planning should the plot come off. Mr. Bundy said that this point is covered in the Cuba paper which will be discussed at a high level in the very near future." (Special Group Minutes, 5/4/61)

Once again, the cryptic reporting of Special Group Minutes makes subsequent analysis as to the scope of matters discussed speculative. It is not known to what extent and in what detail Allen Dulles referred to "recent reports" of a new anti-Trujillo plot. Certainly, the most recent report of such a plot was Dearborn's April 30 cable -- disclosing an imminent assassination attempt potentially utilizing U.S.-supplied weapons.

On May 18, 1961, the Special Group again considered the situation in the Dominican Republic and, according to the

minutes:

> " Cabell [Deputy DCI] noted that the internal dissidents were pressing for the release to them of certain small arms now in U.S. hands in the Dominican Republic. He inquired whether the feeling of the Group remained that these arms should not be passed. The members showed no inclination to take a contrary position at this time."* (Emphasis supplied). (Special Group Minutes, 5/18/61)

D. Final Requests by Dissidents for Machine Guns

On May 16, 1961, Dearborn cabled the State Department, attention Acting Assistant Secretary Coerr, with an urgent request from the dissidents for the machine guns. The cable advised that the assassination attempt was scheduled for the night of May 16 and that, while the chances of success were 80 percent, provision of the machine guns would reduce the possibility of failure. The dissidents reportedly stressed to Dearborn that if the effort failed,due to U.S. refusal to supply the machine guns, the U.S. would be held responsible and would never be forgiven. Dearborn reported that he had informed the dissidents that, based on his recent conversations in Washington, he was reasonably certain that authorization could not be obtained for handing over machine guns. (Dearborn to State cable, 5/16/61)

A return cable from the State Department to Dearborn, sent the same day, confirmed Dearborn's judgment. It instructed him

* There was no meeting of the Special Group at which the Dominican Republic was discussed between May 4 and May 18. The language attributed to General Cabell as to whether the feeling of the Group remained not to pass the arms, tends to suggest that the question of passing these arms must have been raised prior to the May 18 Group meeting, perhaps at the May 4, 1961 meeting.

to continue to take the same line until he received contrary instructions which clearly indicated they had been cleared in advance by the State Department itself. This cable from State was approved by Under Secretary Bowles. (Department to Dearborn, 5/16/61)

Ray Herbert referred to Dearborn's May 16 request in a memorandum he sent to Devine on the same date and asked to be advised as to the Department's policy concerning passage of the machine guns. Herbert noted that when this request was last taken to the Department, Berle made the decision that the weapons not be passed. (Memo to ARA from CIA, 5/16/61)

Devine responded to Herbert's memorandum on the same day, advising Herbert that the Department's policy continued to be negative on the matter of passing the machine guns.* Herbert's attention was directed to the January 12, 1961 Special Group limitation concerning the passage of arms outside of the Dominican Republic. A copy of Devine's memorandum to Herbert was forwarded to the Office of the Under Secretary of State, to the attention of his personal assistant, Joseph Scott. (Devine to Herbert memo, 5/16/61)

E. Dearborn in Washington for Consultation -- Drafting of Contingency Plans

At a meeting of the National Security Council on May 5, 1961, the question of U.S. policy toward the Dominican Republic was considered and it was:

> "Agreed that the Task Force on Cuba would prepare promptly both emergency and long-range plans for anti-communist intervention in the event of crises in Haiti or the

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* By May 27, 1961 Dearborn was advising the State Department that the roup was no longer requesting the arms and had accepted the fact that it must make do with what it had. (Dearborn to State cable, 5/27/61)

Dominican Republic. Noted the President's view that the United States should not initiate the overthrow of Trujillo before we knew what government would succeed him, and that any action against Trujillo should be multilateral." (Record of Actions by National Security Council, 5/5/61) (Approved by the President, 5/16/61)

Although the precise dates are uncertain, Dearborn was recalled to Washington to participate in drafting of these contingency plans and recommendations. Dearborn was in Washington at least from May 10 through May 13, 1961.

While in Washington, Dearborn met with State Department personnel and with Richard Goodwin and Arthur Schlesinger of the White House staff. When testifying before the Committee, he was unable to recall the substance of his discussions with Goodwin and Schlesinger, aside from his general assumption that the current situation in the Dominican Republic was discussed. He did not recall any discussion with Goodwin or Schlesinger concerning arms, either those which had been passed to the dissidents or those which were being sought. (Dearborn, 7/29, pp. 58-61) Dearborn left the meeting at the White House, however, with the firm impression that Goodwin had been reviewing cable traffic between Washington and the Dominican Republic and was very familiar with events as they then stood. (Dearborn, 7/29, p.62)

On May 11, 1961, Dearborn prepared a two-page draft document which set forth ways in which the U.S. could overtly aid and encourage the opposition to Trujillo. The draft noted that means of stepping up the covert program were considered in separate papers. (Dearborn draft document of May 11, 1961) This Dearborn draft of May 11, 1961, was apparently used as a basis for portions of the "Dominican Republic -- Contingency Paper" discussed below.

Two documents entitled, "Program of Covert Action for the Dominican Republic" were provided to the Committee staff from State Department files. Each appears to be a draft of the covert activities paper described in Dearborn's May 11, 1961 memorandum. One draft recommended an expanded U.S. offer to deliver small explosive devices and arms. (Document indicating it was attached to "Dominican Republic -- Contingency," dated 5/12/61 and bearing Nos. 306-308). The other draft is very similar except that it concludes that delivery of arms within the Dominican Republic to members of the underground is not recommended. (Document from State Dept. files bearing No. 310).

Attached to the second draft was a one-page document which Frank Devine believes he wrote. It listed eight numbered points including the following:

> "1. The USG should not lend itself to direct political assassination.
>
> "2. US moral posture can ill afford further tarnishing in the eyes of the world.

"3. We would be encouraging the action, supplying the weapons, effecting the delivery, and then turning over only the final execution to (unskilled) local triggermen.

"4. So far we have seen no real evidence of action capability. Should we entrust ourselves and our reputation to this extent in the absence thereof?

"7. Can we afford a precedent which may convince the world that our diplomatic pouches are used to deliver assassination weapons?" (Document from State Department files bearing No. 313)

The other points raised in document No. 313 related to the likelihood that any such involvement by the U.S. would ultimately be revealed.

On May 15, 1961, Acting Assistant Secretary Coerr sent to Under Secretary Bowles a document entitled "Covert Action Programs Authorized With Respect to the Dominican Republic". That document outlined the existing Special Group approvals for covert assistance to Dominican dissidents and, while making no recommendation as to further policy, suggested that the Special Group review the outstanding approvals and communicate to interested agencies the status of such authorizations. (State Dept. document from Coerr to Bowles, 5/15/61)

During this period a document dated May 13, 1961, was

prepared at the request of Richard Goodwin and was thereafter circulated within the State Department.* This document, entitled "Program of Covert Action for the Dominican Republic" reported:

> "CIA has had in the direct custody of its Station in Ciudad Trujillo, a very limited supply of weapons and grenades. In response to the urgent requests from the internal opposition leaders for personal defense weapons attendant to their projected efforts to neutralize TRUJILLO, three (3) 38 Cal revolvers and three (3) carbines with accompanying ammunition have been passed by secure means to the opposition. The recipients have repeatedly requested additional armed support."

This memorandum is the first direct evidence of disclosure to anyone on the White House staff of the fact that arms had been passed to dissidents in the Dominican Republic.

The original ribbon copy of the memorandum has the above quoted material circled in pencil and the word "neutralize" is underscored. Goodwin testified before the Committee that he circled the above paragraph when first reading the memorandum because the information concerning passage of the arms was new to him and struck him as significant. (Goodwin 7/18, pp. 48,49)

Under the heading of "Possible Covert Actions Which Require Additional Authorization," the memorandum to Goodwin indicated that the CIA had a supply of four 45 caliber machine guns and a small number of grenades currently in the direct custody of the Station in Ciudad Trujillo and that a secure means of passing these weapons to the internal opposition "for their use in -

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* See Scott to Bowles memorandum of May 19, 1961, enclosing copy of Goodwin memorandum.

personal defense attendant to their projected efforts to remove Trujillo" could be developed by the Station. The memorandum made no recommendation to approve or disapprove passage of these weapons. (Id.)

On May 15, 1961, Bundy forwarded to Goodwin another memorandum. This one, entitled "The Current Situation in and Contingency Plans for the Dominican Republic," had been received by Bundy from the State Department. Attached was an underlying document which began:

> "Recent reports indicate that the internal Dominican dissidents are becoming increasingly determined to oust Trunillo by any means, and their plans in this regard are well advanced."

The May 15 memorandum stressed that it was highly desirable for the U.S. to be identified with and to support the elements seeking to overthrow Trujillo. The attachment recommended that Consul General Dearborn inform the dissidents that if they succeed "at their own initiative and on their own responsibility in forming an acceptable provisional government they can be assured that any reasonable request for assistance from the U.S. will be promptly and favorably answered." (Documents from State Dept. files bearing Nos. 279-286).

F. Drafts Leading to and Final Cable of May 29, 1961

A copy of Dearborn's cable of May 16, 1961, requesting urgent State Department guidance, was forwarded to Richard Goodwin. At the specific request of Goodwin, the State Department replied to Dearborn on May 17,

and advised him to keep in mind the President's view, as expressed at the May 5 National Security Council Meeting, that the United States should not initiate the overthrow of Trujillo before knowing what government would succeed him. (Department to Dearborn, 5/17/61)

Dearborn responded on May 21, 1961, pointing out that for over a year State Department representatives in the Dominican Republic had been nurturing the effort

to overthrow Trujillo and had assisted the dissidents in numerous ways, all of which were known to the Department. It was, Dearborn stated, "too late to consider whether United States will initiate overthrow of Trujillo." Dearborn invited further guidance from State.

In response to Dearborn's request for guidance, the State Department drafted a reply on May 24. The draft discussed a conflict between two objectives:

> "(1) To be so associated with removal Trujillo regime as to derive credit among DR dissidents and liberal elements throughout Latin America;
>
> "(2) To disassociate US from any obvious intervention in Dominican Republic and even more so from any political assassination which might occur."

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It was said to be the Department's considered opinion that "former objective cannot, repeat not, easily override latter." (State Dept. to Dearborn cable, 5/24/61 - not sent)

This State Department draft was forwarded to Under Secretary Bowles with the comment that Goodwin considered it "too negative" and that he would try his hand on a draft "for Bundy to present tomorrow morning." (Memo from Achilles to Bowles, 5/24/61)

A May 26, 1961, memorandum from Bowles to Bundy begins:

> "Following up on our discussion of the Dominican Republic at yesterday's meeting of the Special Group, I am forwarding you a draft telegram which we would like to send to Henry Dearborn, our Consul General in Ciudad Trujillo, supplementing the guidance he will be receiving on the recently approved contingency plans."

Minutes of the Special Group meeting on May 25, 1961 do not, however, reflect any discussion of the Dominican Republic. If, as Bowles' memorandum suggests, a discussion concerning the Dominican Republic did occur at the May 25 meeting, it is not known what the discussion involved or what decisions, if any, were made.

Richard Goodwin personally prepared alternate drafts to the proposed State Department cable to Dearborn. Goodwin testified that it was his intent in revising the cable to communicate to Dearborn, President Kennedy's personal belief that the United States:

> " . . . didn't want to do anything that would involve us further, the United States further, in any effort to assassinate Trujillo." (Goodwin, 7/10, p.32)

At the same time, Goodwin's draft raised the issue of further covert action and transfer of arms to the dissidents and advised Dearborn to hold out the arms as being available to the dissidents pending their ability to receive them.

It was the twofold intent of the cable as revised by Goodwin, (1) to express the desire to remain in the good graces of the dissidents who, it was believed, would constitute the new government following Trujillo's assassination, and (2) to avoid any action which might further involve the United States in the anticipated assassination. This dual purpose is clearly evident in the cable which advised:

> " . . . we must not run risk of U.S. association with political assassination, since U.S. as matter of general policy cannot condone assassination. This last principal is overriding and must prevail in doubtful situation." (Emphasis added)

* * * * * * *

> "Continue to inform dissident elements of U.S. support for their position."

According to Goodwin, the underscored material was inserted in the cable at the specific direction of President Kennedy. (Goodwin, 7/10, pp. 22, 23).

With respect to the four machine guns which were in the Consulate and which had been repeatedly requested by the dissidents, the cable advised Dearborn that the U.S. was unable to transfer these arms to the dissidents. Dearborn was instructed to:

> "Tell them that this is because of our suspicion that method of transfer may be unsafe. In actual

> fact, we feel that the transfer of arms would serve very little purpose and expose the United States to great danger of association with assassination attempt."

The cable, as revised by Goodwin and approved by President Kennedy, was sent to Dearborn on May 29, 1961. (State Dept. to Dearborn cable, 5/29/61)

VII. May 30, 1961 and Immediately Thereafter:

A. Trujillo Assassinated

Late in the evening of May 30, 1961, Trujillo was ambushed and assassinated near San Cristobal, Dominican Republic. The assassination closely paralleled the plan disclosed by the action group to American representatives in the Dominican Republic and passed on to officials in Washington at both the CIA and the State Department. (Dearborn cable to State, 5/30/61) The assassination was conducted by members of the action group, to whom the American carbines had been passed, and such sketchy information as is available indicates that one or more of the carbines were in the possession of the assassination group when Trujillo was killed. (I. G. Report, pp. 60-61). This evidence indicate however, that the actual assassination was accomplished by handguns and shotguns. (I.G. Report, p.61)

B. Cables to Washington

After receiving the May 29 cable from Washington, both Consul General Dearborn and Station Chief Owen sent replies. According to Dearborn's testimony, he did not regard the May 29 cable as a change in U.S. policy concerning support for assassinations. (Dearborn 7/29/75, p. 74).

He interpreted the May 29 cable as saying:

> "...we don't care if the Dominicans assassinate Trujillo, that is all right. But we don't want anything to pin this on us, because we aren't doing it, it is the Dominicans who are doing it." (Dearborn, 7/29, p. 104)

Dearborn testified that this accorded with what he said had always been his personal belief; that the U.S. should not be involved in an assassination and that if an assassination occurred it would be strictly a Dominican affair. (Dearborn 7/29, pp. 100, 101)

In contrast the CIA Station Chief, Owen, did regard the cable as manifesting a change in U.S. policy, particularly on the question of supplying arms. (Owen p. 120) He believed the May 29 cable was the final word in U.S. policy on this matter and consequently felt that the government had retreated from its prior position, of offering material support to the dissidents, and had adopted a new position of withholding such support. Owen's responsive cable to Headquarters stated:

> "HQS aware extent to which U.S. government already associated with assassination. If we are to at least cover up tracks, CIA personnel directly involved in assassination preparation must be withdrawn." (Station to HQS cable, 5/30/61)

Immediately following the assassination, all CIA personnel in the Dominican Republic were removed from the country and within a few days Consul General Dearborn was back in Washington. The State Department cabled the CIA station in the Dominican Republic to destroy all records concerning contacts with dissidents and any related matters, except not to destroy the contingency plans or the May 29, 1961 cable to Dearborn. (HQS to Station cable, 5/31/61.

C. Immediate Post-Assassination Period

The U.S. Consulate in the Dominican Republic was quick to dispatch its early reports that Trujillo had been assassinated, and the U.S. communications network transmitted the report to President Kennedy in Paris. The President's Press Secretary, Pierre Salinger, made the first public announcement of the assassination, preceeding by several hours release of the news in the Dominican Republic. Secretary of State Rusk testified that when he learned of Salinger's announcement he was most concerned. Rusk said that Trujillo's son Ramfis was also in Paris and he was afraid that Ramfis, upon first learning of his father's death from the press secretary to the President of the U.S., might try to retaliate against President Kennedy. (Rusk, 32, 33.)

SCHNEIDER REPORT

Reviewed and Agreed to by
Drafting Subcommittee on
August 27, 1975

TOP SECRET

SCHNEIDER REPORT

TOP SECRET

I. Summary

On September 4, 1970, Dr. Salvador Allende Gossens won a plurality in Chile's Presidential election.* Since no candidate had received a majority of the popular vote, the Chilean constitution required that a joint session of its Congress decide between the first and second place finishers. This constitutional requirement had, in the past, been pro-forma. The Congress had always selected the candidate who received highest popular vote. The date set for the Congressional joint session was October 24, 1970.

On September 15, 1970, President Richard Nixon informed CIA Director Richard Helms that an Allende regime in Chile would not be acceptable to the United States. The CIA was instructed by President Nixon to play a direct role in organizing a military coup d'etat in Chile to prevent Allende's accession to the presidency. The Agency was to take this action without coordination with the Departments of State or Defense and without informing the U.S. Ambassador in Chile. While coup possibilities in general and other means of seeking to prevent Allende's accession to power were explored by the 40 Committee throughout this period, the 40 Committee was never informed of this direct CIA role. Nor did it ever approve that role. The only institution to which the Agency was to report, both for informational and approval purposes, was the White House.

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*Dr. Allende, a long-time Senator and founder of the Socialist Party in Chile, was a candidate of Popular Unity Coalition. The Coalition was made up of Communists, Socialists, Social Democrats, Radicals, and dissident Christian Democrats. Allende was a self-proclaimed Marxist and was making his fourth try for the presidency. His opponents were Radomire Tomic Romero, candidate of the ruling Christian Democratic Party, and Jorge Alessandri Rodriquez, candidate of the right-wing National Party. Dr. Allende won 36.3% of the popular vote; Alessandri was second with 35.3% of the vote. Dr. Allende's margin of victory was 39,000 votes out of a total of 3 million votes cast in the election. The incumbent President, Eduardo Frei Montalvo, a Christian Democrat, was ineligible for re-election. Chilean law prohibits Presidents from succeeding themselves.

In practice, this meant that the CIA was to keep the President's Assistant for National Security Affairs, Henry Kissinger, informed of its activities.

Between October 5 and October 20, 1970, the CIA made 21 contacts with key military and Carabinero (police) officials in Chile. Those Chileans who were inclined to stage a coup were given assurances of strong support at the highest levels of the U.S. Government, both before and after a coup.

One of the major obstacles faced by all the military conspirators in Chile was the strong opposition to a coup by the Commander-in-Chief of the Army, General Rene Schneider, who insisted the constitutional process be followed. As a result of his strong constitutional stand, the removal of General Schneider became a necessary ingredient in the coup plans of all the Chilean conspirators. Unable to have General Schneider retired or reassigned, the conspirators decided to kidnap him. An unsuccessful abduction attempt was made on October 19, 1970, by a group of Chilean military officers whom the CIA was actively supporting. A second kidnap attempt was made the following day, again unsuccessfully. In the early morning hours of October 22, 1970, machine guns and ammunition were passed by the CIA to the group that had failed on October 19. That same day General Schneider was mortally wounded in an attempted kidnap on his way to work. The attempted kidnap and the shooting was apparently conducted by conspirators other than those to whom the CIA had provided weapons earlier in the day.

A Chilean military court found that high-ranking military officers, both active and retired, conspired to bring about a military coup and to kidnap General Schneider. Several of the officers whom the CIA had contacted and encouraged in their coup conspiracy were convicted of conspiring to kidnap General Schneider. Those convicted of carrying out the actual kidnap attempt and the killing of General Schneider were associates of retired General Roberto Viaux, who had initially been thought by the CIA to be the best hope. However, later the CIA discouraged General Viaux because the Agency felt other officers, such as General Camilo Valenzuela, were not sufficiently involved. General Viaux was convicted by the military court and received a twenty-year prison sentence for being the "intellectal author" of the Schneider kidnap attempt. General Valenzuela was sentenced by the military court to three years in exile for taking part in the conspiracy to prevent Allende's assumption of office. The military court found that the two Generals had been in contact throughout the coup plotting.

The principal facts leading up to the death of General Schneider (all of which are discussed in more detail below) are as follows:

1. By the end of September 1970, it appeared that the only feasible way for the CIA to implement the Presidential order to prevent Allende from coming to power was to foment a coup d'etat.

2. All of the known coup plots developed within the Chilean military entailed the removal of General Schneider by one means or another.

3. United States officials continued to encourage and support Chilean plans for a coup after it became known that the first step would be to kidnap General Schneider.

4. Two unsuccessful kidnap attempts were made, one on October 19, the other on October 20. Following these attempts, and with knowledge of their failure, the CIA passed three submachine guns and ammunition to Chilean officers who still planned to kidnap General Schneider.

5. In a third kidnap attempt on October 22, apparently conducted by Chileans other than those to whom weapons had been supplied, General Schneider was shot and subsequently died. The guns used in the abortive kidnapping of General Schneider were, in all probability, not those supplied by the CIA to the conspirators. The Chilean military court which investigated the Schneider killing determined that Schneider had been murdered by handguns, although one machine gun was at the scene of the killing.*

6. While there is no question that the CIA received a direct instruction from the President on September 15th to attempt to foment a coup, the Committee received sharply conflicting testimony about whether the White House was kept informed of, and authorized, the coup efforts in Chile after October 15. On one side of the conflict is the testimony of Henry Kissinger and General Alexander Haig; on the other, that of CIA officials. Kissinger testified that the White House stood down CIA efforts to promote a military coup d'etat in Chile on October 15, 1970. After that date, Kissinger testified--and Haig agreed--that the White House neither knew of, nor specifically approved, CIA coup activities in Chile. CIA officials, on the other hand, have testified that their activities in Chile after October 15 were known to and

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* The Committee has not been able to determine whether or not the machine gun at the scene of the Schneider killing was one of the three supplied by the CIA.

thus authorized by the White House.*

This conflict in testimony, which the Committee has been unable to resolve through its hearings or the documentary record, leaves unanswered the most serious question of whether the CIA was acting pursuant to higher authority (the CIA's view) or was pursuing coup activities in Chile without sufficient communication (the Kissinger/Haig view).

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* The basic issue is whether or not the CIA informed the White House of its activities. In context, informing was tantamount to being authorized. No one who testified believed that the CIA was required to seek step-by-step authorization for its activities; rather the burden was on the White House to object if a line of activity being pursued by the CIA seemed unwise. Both Kissinger and Haig agreed that if the CIA had proposed a persuasive plan to them, it almost certainly would have been approved. The CIA did not believe it needed specific White House authorization to transfer weapons to the Chileans; in fact, CIA Deputy Director (Plans) Thomas Karamessines testified that he did not formally approve the transfer, but rather that in the context of the project it was clear that the Agency had the authority to transfer weapons and that it was clear to Karamessines' subordinates that he would approve their decision to do so. He believed he probably was informed before the weapons actually were sent.

II. The President's Initial General Instruction and Background

A. September 15 White House Meeting

On September 15, 1970, President Nixon met with his Assistant for National Security Affairs, Henry Kissinger, CIA Director Richard Helms, and Attorney General John Mitchell at the White House. The topic was Chile. Handwritten notes taken by Director Helms at that meeting reflect both its tenor and the President's instructions:

> 1 in 10 chance perhaps, but save Chile!
> worth spending
> not concerned risks involved
> no involvement of Embassy
> $10,000,000 available, more if necessary
> full-time job--best men we have
> game plan
> make the economy scream
> 48 hours for plan of action

In his testimony before the Select Committee, Director Helms recalled coming away from the meeting on September 15 with:

> ...(the) impression...that the President came down very hard that he wanted something done, and he didn't much care how and that he was prepared to make money available....This was a pretty all-inclusive order....If I ever carried a marshall's baton in my knapsack out of the Oval Office, it was that day.* (Helms testimony, July 15, pp. 6,10,11)

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* Director Helms also testified that the September 15th meeting with President Nixon may have been triggered by the presence of Augustin Edwards, the publisher of the Santiago daily El Mercurio, in Washington. That morning, at the request of Donald Kendall, President of Pepsi Cola, Henry Kissinger and John Mitchell had met for breakfast with Kendall and Edwards. (Mitchell calendar) The topic of conversation was the political situation in Chile and the plight of El Mercurio and other anti-Allende forces. According to Mr. Helms:

> I recall that prior to this meeting (with the President) the editor of El Mercurio had come to Washington and I had been asked to go and talk to him at one of the hotels here, this having been arranged through Don Kendall, the head of the Pepsi Cola Company....I have this impression that the President called this meeting where I have my handwritten notes because of Edwards' presence in Washington and what he heard from Kendall about what Edwards was saying about conditions in Chile and what was happening there.
> (Helms testimony, July 15, pp. 4-5)

However, none of the CIA officers believed that assassination was within the guidelines Helms had been given.

> Senator Hart of Colorado. ...did the kind of carte blanche mandate you carried, the marshall's baton that you carried out in a knapsack, to stop Allende from assuming office, include physical elimination?
>
> Mr. Helms. Well, not in my mind, because when I became Director, I had already made up my mind that we weren't going to have any of that business when I was Director, and I had made that clear to my fellows, and I think they will tell you this.

The following day, September 16, Director Helms called a meeting at the CIA to discuss the Chilean situation. At this meeting, he related to his colleagues his understanding of the President's instructions:

> 2. The Director told the group that President Nixon had decided that an Allende regime in Chile was unacceptable to the United States. The President asked the Agency to prevent Allende from coming to power or to unseat him. The President authorized $10,000,000 for this purpose, if needed. Further, the Agency is to carry out this mission without coordination with the Departments of State or Defense.
> (Memorandum/Genesis of the Project, 16 Sept. 1970)

Henry Kissinger's recollection of the September 15 meeting with President Nixon is in accord with that of Richard Helms.* Although Dr. Kissinger did not recall the President's instructions to be as precise as those related by Director Helms, he did testify that:

> ...the primary thrust of the September 15th meeting was to urge Helms to do whatever he could to prevent Allende from being seated. (Kissinger testimony, p. 13)

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* The documents, and the officials from whom the Committee has heard testimony, are in substantial agreement about what President Nixon authorized on September 15, namely CIA involvement in promoting a military coup d'etat in Chile. There is not, however, agreement about what was communicated between the CIA and the White House--and hence what was authorized by the latter--in the week between October 15 and the death of General Schneider, October 22. This matter will be discussed in Part V of this report on the Schneider killing.

> "It is clear that President Nixon wanted him (Helms) to encourage the Chilean military to cooperate or to take the initiative in preventing Allende from taking office. (Kissinger testimony, p. 12)

Operationally, the CIA set the President's instructions into motion on September 21. On that day two cables were sent from CIA Headquarters to Santiago informing the CIA Chief of Station (COS) of his new directive:

> 3. Purpose of exercise is to prevent Allende assumption of power. Parliamentary legerdemain has been discarded. Military solution is objective.
> (Hqs. to Stn. 236, 21 September 1970)
>
> ***
>
> B. (Track Two)--This is authority granted to CIA only, to work toward a military solution to problem. As part of authority we were explicitly told that 40 Committee, State, Ambassador and Embassy were not to be told of this Track Two nor involved in any matter. (Hqs. to Stn. 240, 21 September 1970)

B. <u>Background: Tracks I and II</u>

United States Government concern over an Allende regime in Chile did not begin with President Nixon's September 15 instruction to the CIA.* For more than a year, Chile had been on the 40 Committee's agenda. At an April 15, 1969, meeting of the 303 Committee (the predecessor of the 40 Committee) the question arose as to whether anything should be done with regard to the September 1970 Presidential election in Chile. At that time, Director Helms pointed out that "an election operation will

* Covert U.S. Government involvement in large-scale political action programs in Chile began with the 1964 Presidential election. As in 1970, this was in response to the perceived threat of Salvadore Allende. Over $3 million was spent by the CIA in the 1964 effort.
(Colby testimony, July 14, 1975, p. 5)

not be effective unless an early enough start is made.* On March 25, 1970, the 40 Committee approved a joint Embassy/CIA proposal recommending that "spoiling" operations--propaganda and other activities--be undertaken by the CIA in an effort to prevent an election victory by Allende's Popular Unity (UP) Coalition. A total of $135,000 was authorized by the 40 Committee for this anti-Allende activity. On June 18, 1970, the U.S. Ambassador to Chile, Edward Korry, submitted a two-phase proposal to the Department of State and the CIA for review. The first phase involved an increase in support to the anti-Allende campaign. The second was a contingency plan to make "a $500,000 effort in Congress to persuade certain shifts in voting on 24 October 1970." Phase II was, stated simply, a proposal to bribe Chilean Congressmen to vote against Allende should he win a plurality in the September 4 election. On June 27, 1970, the 40 Committee increased funding for the anti-Allende "spoiling" operation to $390,000. A decision on Ambassador Korry's bribe proposal was deferred pending the results of the September 4 election.

The 40 Committee met twice between the time Allende received a plurality of the popular vote on September 4 and President Nixon issued his instruction to Director Helms on September 15.** At both these meetings the question of U.S. involvement in a military coup against Allende was raised. Kissinger stressed the importance of these meetings when he testified before the Select Committee:

*This and other references to 40 Committee discussions and actions regarding Chile are contained in a memorandum provided to the Committee by the CIA entitled "Policy Decisions Related to Our Covert Action Involvement in the September 1970 Chilean Presidential Election," dated October 9, 1970. On August 25, 1975, we subpoenaed all White House/National Security Council documents and records relating to the effort by the United States Government to prevent Salvadore Allende from assuming office. On September 4, the Committee received 46 documents from the White House relating to Chile covering the period September 5 to October 14, 1970.

**See Page 9a.

**Following the September 4 election, the CIA's Directorate of Intelligence circulated an intelligence community assessment of the impact of an Allende government on U.S. national interests. That assessment, dated September 7, 1970, stated:

> Regarding threats to U.S. interests, we conclude that:
>
> 1. The U.S. has no vital national interests within Chile. There would, however, be tangible economic losses.
>
> 2. The world military balance of power would not be significantly altered by an Allende government.
>
> 3. An Allende victory would, however, create considerable political and psychological costs:
>
>   a. Hemispheric cohesion would be threatened by the challenge that an Allende government would pose to the OAS, and by the reactions that it would create in other countries. We do not see, however, any likely threat to the peace of the region.
>
>   b. An Allende victory would represent a definite psychological set-back to the U.S. and a definite psychological advance for the Marxist idea. (Intelligence Memorandum/ "Situation Following the Chilean Presidential Election," CIA's Directorate of Intelligence, 7 September 1970)

> I think the meeting of September 15th has to be seen in the context of two previous meetings of the 40 Committee on September 8th and September 14th in which the 40 Committee was asked to look at the pros and cons and the problems and prospects of a Chilean military coup to be organized with United States assistance.
>
> (Kissinger testimony, p. 5)

According to the summary of the 40 Committee meeting on September 8, the following was discussed:

> ...all concerned realized that previous plans for a Phase II would have to be drastically redrawn.... The DCI made the point, however, that congressional action against Allende was not likely to succeed and that once Allende was in office the Chilean opposition to him would disintegrate and collapse rapidly. While not advocating a specific course of action, the Director further observed that a military golpe against Allende would have very little chance of success unless undertaken soon. Both the Chairman and the Attorney General supported this view....At the close of the...meeting the Chairman directed the Embassy to prepare a "cold-blooded assessment" of:
>
> 1) the pros and cons and problems and prospects involved should a Chilean military coup be organized now with U.S. assistance, and
>
> 2) the pros and cons and problems and prospects involved in organizing an effective future Chilean opposition to Allende.
>
> (CIA Memorandum/Policy Decision Related to Our Covert Action Involvement in the September 1970 Chilean Presidential Election, 9 October 1970)

Ambassador Korry responded to the 40 Committee's request for a "cold-blooded assessment" on September 12. He stated that "We /the Embassy/ believe it now clear that Chilean military will not, repeat not, move to prevent Allende's accession, barring unlikely situation of national chaos and widespread violence." The Ambassador went on to say that "Our own military people /are/ unanimous in rejecting possi-

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bility of meaningful military intervention in political situation."
He concluded by stating: "What we are saying in this 'cold-blooded assessment' is that opportunities for further significant USG action with the Chilean military are nonexistent." (Memorandum/Ambassador's Response to Request for Analysis of Military Option in Present Chilean Situation, 12 September 1970)

The CIA's response was in the same vein. Viron Vaky, Kissinger's assistant for Latin American affairs on the NSC staff, summarized the CIA's "cold-blooded assessment" in a memo to his boss: "Military action is impossible; the military is incapable and unwilling to seize power. We have no capability to motivate or instigate a coup." (Memorandum for Dr. Kissinger/Chile--40 Committee Meeting, Monday--September 14, September 14, Viron P. Vaky)

On September 14, the 40 Committee met to discuss these reports and what action was to be taken:

> Particular attention was devoted to a CIA prepared review of political and military options in the Chilean electoral situation based on the Embassy and Station's "cold-blooded assessment." The Committee focused on the so-called "Rube Goldberg" gambit which would see Alessandri elected by the Congress on October 24th, resigning thereafter to leave Frei constitutionally free to run in a second election for the presidency.

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> Ambassador Korry was asked to go directly to President Frei to see if he would be willing to commit himself to this line of action. A contingency of $250,000 was approved for "covert support of projects which Frei or his trusted team deem important." It was further agreed that a propaganda campaign be undertaken by the Agency to focus on the damage of an Allende takeover....
>
> (CIA Memorandum/Policy Decision Related to Our Covert Action Involvement in the September 1970 Chilean Presidential Election, 9 October 1970)

Following the September 14 Forty Committee meeting and President Nixon's September 15 instruction to the CIA, U.S. Government efforts to prevent Allende from assuming office proceeded on two tracks.* Track I comprised all covert activities approved by the 40 Committee, including the $250,000 contingency fund to bribe Chilean congressmen as well as propaganda and economic activities. These activities were designed to induce the opponents to Allende in Chile to prevent his assumption of power, either through political or military means. Track

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*The terms Track I and Track II were known only to CIA and White House officials who were knowledgeable about the President's September 15 order to the CIA. The Committee sent letters to various senior officials inquiring if they were, in fact, not knowledgeable of the Track II activities. Those letters were sent to Secretary of State William Rogers, Secretary of Defense Melvin Laird, Deputy Secretary of Defense David Packard, Undersecretary of State for Political Affairs U. Alexis Johnson, Chairman of the Joint Chiefs of Staff Admiral Thomas Moorer, NSC Staff Member for Latin America Viron P. Vaky, Director of the State Department's Bureau of Intelligence and Research Ray S. Cline, and the Deputy Chief of Mission in Santiago Harry W. Shlaudeman. Thus far the Committee has received written responses from Messrs. Moorer, Johnson, Vaky, Shlaudeman and Cline. All except Cline have indicated that they had no knowledge of the Track II activity at the time; Cline indicated he heard of the activities in a general way, from his subordinate who handled 40 Committee work and from former associates at the CIA. In oral communications with Committee staff members, Secretaries Rogers and Laird have indicated they were unaware of Track II.

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II activities in Chile were undertaken in response to President Nixon's September 15 order and were directed towards actively promoting and encouraging the Chilean military to move against Allende. In his testimony before the Committee, Kissinger stressed the links between Tracks I and II:

> ...There was work by all of the agencies to try to prevent Allende from being seated, and there was work by all of the agencies on the so-called Track I to encourage the military to move against Allende ...the difference between the September 15th meeting and what was being done in general within the government was that President Nixon was encouraging a more direct role for the CIA in actually organizing such a coup. (Kissinger testimony, p. 13)

Tracks I and II did, in fact, move together in the month after September 15. The authorization to Ambassador Korry, who was formally excluded from Track II, to encourage a military coup became broader and broader. In the 40 Committee meeting on September 14, he and other "appropriate members of the Embassy Mission" were authorized to intensify their contacts with Chilean military officers to assess their willingness to support the "Frei gambit"--a voluntary turn-over of power to the military by Frei, who would then have been eligible to run for President in new elections. (Memorandum/Policy Decisions Related to Our Covert Action Involvement in the September 1970 Chilean Presidential Election, 9 October 1970)

In a situation report to Dr. Kissinger and Assistant Secretary Charles Meyer on September 21, Ambassador Korry indicated that in order to make the Frei gambit work, "if necessary, General Schneider would

have to be neutralized, by displacement if necessary."* (Korry to Meyer and Kissinger/Situation Report, 21 September 1970) In testifying, Kissinger felt the Korry report indicated "the degree to which Track I and Track II were merging, that is to say, that individuals on Track I were working on exactly the same problem as the CIA was working on Track II." (Kissinger testimony, p. 21)

Ambassador Korry's activites in Chile between September 4 and October 24 support Kissinger's view that the line separating Track I and Track II often became blurred. For example, the Ambassador was authorized to make his contacts in the Chilean military aware that if Allende were seated, the military could expect no further military assistance (MAP) from the United States. Later, in response to his own recommendation, Korry was authorized to inform the Chilean military that all MAP and military sales were being held in abeyance pending the outcome of the Congressional election on October 24. On October 7, Ambassador Korry received the following cable from Kissinger and Under Secretary

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*In this same situation report, Ambassador Korry related a message that he had sent to President Frei through his Defense Minister indicating the economic pressures that would be brought to bear on Chile should Allende assume office.

> Frei should know that not a nut or bolt will be allowed to reach Chile under Allende. Once Allende comes to power we shall do all within our power to condemn Chile and the Chileans to utmost deprivation and poverty, a policy designed for a long time to come to accelerate the hard features of a Communist society in Chile. Hence, for Frei to believe that there will be much of an alternative to utter misery, such as seeing Chile muddle through, would be strictly illusory.

The use of economic instruments as levers on Frei and the Chilean military was a persistent subject of White House/CIA discussions and of instructions to the field. Helms' notes from the September 15 meeting with the President and Kissinger included the notation "make the economy scream." Economic leverage was the primary topic of a September 18 White House meeting involving Kissinger, Helms and Karamessines.

of State U. Alexis Johnson:

> 2. ...you are now authorized to inform discreetly the Chilean military through the channels available to you that if a successful effort is made to block Allende from taking office, we would reconsider the cuts we have thus far been forced to make in Chilean MAP and otherwise increase our presently programmed MAP for the Chilean Armed Forces.... If any steps the military should take should result in civil disorder, we would also be prepared promptly to deliver support and material that might be immediately required. (Hqs. to Stn. 075517, 7 October 1970)

The essential difference between Tracks I and II, as evidenced by instructions to Ambassador Korry during this period, was not that Track II was coup-oriented and Track I was not. Both had this objective in mind. The difference between the two tracks was, simply, that the CIA's direct contacts with the Chilean military, and its active promotion and support for a coup, were to be known only to a small group of individuals in the White House and the CIA. Kissinger testified that Track II matters were to be reported directly to the White House "for reasons of security." (Kissinger testimony, p. 14) Thomas Karamessines, the CIA's Deputy Director for Plans at the time and the principal CIA contact with the White House on Track II matters, testified on his understanding of why State, Defense, the 40 Committee and Ambassador Korry were excluded from Track II:

> That was not a decision that we made. But the best I can do is suggest that there was concern about two things. Number one, that there might be serious objections lodged, for example, by the State Department particularly if Track 2 were to be laid out at a Forty Committee meeting. And the only other thing I can contribute to that is that it was felt that the security of the activity would be better protected if knowledge of it were limited. (Karamessines testimony, p. 122)

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C. CIA Views of Difficulty of Project

On one point the testimony of CIA officials who were involved in Track II is unanimous: they all said they thought Track II was unlikely to succeed. That view ran from the working levels of the Agency to the top. They all said they felt they were being asked to do the impossible, that the risks and potential costs of the project were too great. At the same time, they felt they had been given an explicit Presidential order, and they tried to execute that order.

A few excerpts from the testimony follow:

Richard Helms, CIA Director -

> ...my heart sank over this meeting, because...the possibility of bringing off something like this seemed to me at that time to be just as remote as anything could be. In practical terms, the Army was constitutionalist....And when you look here at the time frame in which the man was suddenly asking you to accomplish something, it seemed really almost inconceivable....
>
> What I came away from the meeting with the distinct impression that we were being asked to do almost the impossible and trying to indicate this was going to be pretty tough.... (Helms testimony, July 15, 1975, pp. 6-7)

David Phillips, Chief, Chile Task Force -

> ...it is my feeling that the odds are unacceptable, it is something that is not going to work, and we are going to be burned if we get into it ...what are the chances of pulling off a coup successfully, or in any way stopping Allende from assuming the presidency?...we never even got to two chances out of 20. (Phillips testimony, p. 16)
>
> ...I assure you that those people that I was in touch with at the Agency just about universally said, my God, why are we given this assignment? (Phillips testimony, p. 53)

James Flannery, Deputy Chief, Western Hemisphere Division -

> There was just no question that we had to make this effort, no matter what the odds were. And I think that most people felt that the odds were just pretty long. (Flannery testimony, p. 20)

Further, CIA officials believed their judgment of the endeavor's difficulty was known to the White House. Helms commented on the September 15th meeting: "So realizing all of these things, I'm relatively certain that day that I pointed out this is going to be awfully tough." (Helms testimony, July 15, 1975, p. 16) Karamessines recalled pointing out to the President that "the Chilean military seemed to be disorganized and unwilling to do anything. And without their wanting to do something, there did not seem to be much hope." (Karamessines testimony, p. 10)

III. CIA's Implementation of Track II

A. Evolution of CIA Strategy

The President's instruction to the CIA on September 15 to prevent Allende's assumption of power was given in the context of a broad U.S. Government effort to achieve that end. The September 15 instruction to the CIA involved from the beginning the promotion of a military coup d'etat in Chile. Although there was talk of a coup in Chilean military circles, there was little indication that it would actually take place without active U.S. encouragement and support.

> There was much talk among Chilean officers about the possibility of some kind of coup...but this was not the kind of talk that was being backed by, you know, serious organizational planning.
> (Karamessines testimony, Aug. 6, 1963, p. 32)

1. The "Constitutional Coup" Approach

Although efforts to achieve a political solution to the Allende victory continued simultaneous with Track II, the Agency premised its activities on the assumption that the political avenue was a dead end. On September 21, CIA Headquarters cabled its Station in Santiago:

> Purpose of exercise is to prevent Allende assumption of power. Paramilitary legerdemain has been discarded. Military solution is objective.
> (Hqs. 236, Sept. 21, 1970, para. 3)

The initial strategy attempted to enlist President Frei in promoting a coup to perpetuate his presidency for six more years. The Agency decided to promise "help in any election which was an outgrowth of a successful military takeover." (Nov. 18, 1970 Helms memo to Kissinger) Under this plan Frei would invite the military to take over, dissolve the Congress, and proclaim a new election. A private U.S. citizen who had been a conduit for CIA funds to Frei's 1964 campaign was sent to see him

with this message on September 24. (Task Force Log, September 23)

Thomas Karamessines, the Deputy Director for Plans, testified:

> So this was in a sense not Track II, but in a sense another aspect of a quiet and hopefully non-violent military coup....This was abandoned when the military were reluctant to push Frei publicly...and, number two, Frei was reluctant to leave on his own in the absence of pressure from the military....There was left as the only chance of success a straight military coup.
> (Karamessines testimony, Aug. 6, 1975, p. 6)

At the same time, the Station in Santiago reported:

> Strong reasons for thinking neither Frei nor Schneider will act. For that reason any scenario in which either has to play an active role now appears utterly unrealistic. Overtures to lower echelon officers (e.g., Valenzuela) can of course be made. This involves promoting Army split.
> (Stn. to Hqs. 424, September 23, 1970)

2. Military Solution

President Frei's failure even to attempt to persuade his own party convention on October 3-4 from reaching a compromise with Allende ended all hope of using him to prevent an Allende presidency. (November 18 memo, Helms to Kissinger, page 16) Thus, by the beginning of October, it was clear that a vehicle for a military solution would have to be found in the second echelon of Chilean officers, and that the top leadership of the Armed Services, particularly General Rene Schneider, constituted a stumbling block. (Santiago 424, September 23, 1970; Santiago 439, September 30, 1970) The Agency's task was to cause a coup in a highly unpromising situation and to overcome the formidable obstacles represented by Frei's inaction, Schneider's strong constitutionalism, and the absence of organization and enthusiasm among those officers who were interested in a coup.

A three-fold program was set into motion: TOP SECRET

a. Collect intelligence on coup-minded officers;

b. Create a coup climate by propaganda, disinformation, and terrorist activities intended to provoke the left to give a pretext for a coup;*(Hqs. 611, October 7, 1970)

c. Inform those coup-minded officers that the U.S. Government would give them full support in a coup short of direct U.S. military intervention. (Hqs. 762, October 14, 1970)

B. The Chile Task Force

Because of the highly sensitive nature of the operation, a special task force was created in the CIA's Western Hemisphere Division to manage it. The task force was placed under the daily direction of the Deputy Director for Plans, Thomas Karamessines, and a group of the Agency's most experienced and skilled operators were detailed to the task force.

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*A cable sent from CIA Headquarters to Santiago on October 19 focused on creating an appropriate justification for a coup. The cable stated:

1. It still appears that Ref A coup has no pretext or justification that it can offer to make it acceptable in Chile or Latin America. It therefore would seem necessary to create one to bolster what will probably be their claim to a coup to save Chile from communism...You may wish include variety of themes in justification of coup to military for their use. These could include but are not limited to: A) Firm intel. that Cubans planned to reorganize all intelligence services along Soviet/Cuban mold thus creating structure for police state....B)Economic situation collapsing.....C)By quick recognition of Cuba and Communist countries Allende assumed U.S. would cut off material assistance to Armed Forces thus weakening them as constitutional barriers. Would then empty armories to Communist Peoples Militia with task to run campaign of terror based on alleged labor and economic sabotage (Use some quotes from Allende on this.)
2. Station has written some excellent prop guidances. Using themes at hand and which best known to you we are now asking you to prepare intel report based on some well known facts and some fiction to justify coup, split opposition, and gain adherents for military group. With appropriate military contact can determine how to "discover" intel report which could even be planted during raids planned by Carabineros.
3. We urge you to get this idea and some concrete suggestions to plotters as soon as you can. Coup should have a justification to prosper.

(Headquarters 882, 19 October 1970)

David A. Phillips, Chief of Station in Rio de Janeiro, was summoned back to Washington to head the operation. With the exception of the Division Chief, William Broe, his deputy James Flannery and the head of the Chile Branch, no other officers in the Division were aware of the task force's activities, not even those officers who normally had responsibility for Chile. The task force had a special communications channel to Santiago and Buenos Aires to compartment cable traffic about Track II. (November 18, 1970, Helms to Kissinger memo, page 3) Most of the significant operational decisions were made by Phillips, Broe and Karamessines, who met on a daily basis.

It should be noted that all those involved with the task force described the pressure from the White House as intense. Indeed, Karamessines has said that Kissinger "left no doubt in my mind that he was under the heaviest of pressure to get this accomplished, and he in turn was placing us under the heaviest of pressures to get it accomplished." (Karamessines testimony, August 6, 1975, page 7) The Deputy Chief of the Western Hemisphere Division, James Flannery, testified that pressure was "as tough as I ever saw it in my time there, extreme." (Flannery testimony, July 15, 1975, page 20) Broe testified that "I have never gone through a period as we did on the Chilean thing. I mean it was just constant, constant....Just continual pressure....It was coming from the White House." (Broe testimony, August 4, 1975, page 55)

C. <u>The Use of the Army Attache and Interagency Relations</u>

The CIA Station in Santiago had inadequate contacts within the Chilean military to carry out its task. However, the U.S. Army Attache in Santiago, Colonel Paul Wimert, knew the Chilean military

very well due to his five years of service there and his broad personal contacts among the Chilean officers. Following a proposal by the Chief of Station, the CIA decided to enlist Colonel Wimert in collecting intelligence concerning the possibility of a coup and to use him as a channel to let the interested Chilean military know of U. S. support for a coup. Karamessines described this procedure for the Committee:

> We also needed contact with a wider segment of the military, the senior military which we had not maintained and did not have, but which we felt confident that our military representative in Chile had....And we got the approval of the DIA to enlist the cooperation of Colonel Wimert in our effort to procure intelligence.
> (Karamessines testimony, August 6, 1975, p. 6)

To obtain Wimert's services, CIA officials prepared a suggested message for the Director of DIA to send to the Army Attache in Santiago through CIA communications channels. Because the DIA Director, General Donald V. Bennett, was in Europe on official business, the Deputy Director of Central Intelligence, General Cushman, invited DIA Deputy Director Lt. General Jammie M. Philpott to his office on September 28, 1970.* During that meeting, General Cushman requested the assistance of the Army Attache, and General Philpott signed a letter which authorized transmission of a message directing the Army Attache:

> ...to work closely with the CAS chief, or in his absence, his deputy, in contacting and advising the principal military figures who might play a decisive role in any move which might, eventually, deny the presidency to Allende.
>
> Do not, repeat not, advise the Ambassador or the Defense Attache of this message, or give them any indication of its portent. In the course of your routine activities, act in accordance with the Ambassador's instructions. Simultaneously, I wish--and now authorize you--to act in a concerted fashion with the CAS chief.

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* General Bennett returned to the United States on the evening of October 10, 1970. General Philpott was Acting Director in Bennett's absence.

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This message is for your eyes only, and should not be discussed with any person other than those CAS officers who will be knowledgeable. CAS will identify them. (Headquarters 380 to Santiago)

For this and all subsequent messages intended for the Army Attache, the secret CIA communications channel was used.

Both General Philpott and Thomas Karamessines testified that initially the Army Attache would be used only to "obtain or procure" intelligence on Chilean military officers.* (Philpott, p. 11; Karamessines, p. 6) The September 28, 1970 message to the Army Attache, however, did in fact trigger his deep involvement in the coup attempt. According to the Attache's testimony, he received day-to-day instructions from the Chief of Station, and on occasion, the COS would show him messages ostensibly from Generals Bennett and/or Philpott, directing him to take certain actions. The COS also transmitted messages from the Army Attache to these Generals.

General Bennett testified that he never had knowledge of Track II and that he never received any communication relating thereto, nor did he ever authorize the transmission of any messages to the Army Attache. General Philpott also testified that he had no recollection of anything connected with Track II after his initial meeting with General Cushman on September 28. (Philpott, p. 16)

U. S. Army Colonel Robert C. Roth, who in September and October 1970 was the Chief of the Human Resources Division, Director of Collection, DIA,

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* In this connection it should be noted that when questioned about this letter, General Philpott testified that he recalled signing an authorization such as that contained in the first paragraph of Headquarters 380 but that he did not recall the authorizations and instructions in paragraphs two and three.

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testified that he recalled working for Generals Bennett and Philpott on "a priority requirement to identify Chilean personalities who might be helpful in preventing the election of Allende as President of Chile." (Roth, Vol. I, p. 6) Though Roth recalls no mention of Track II as such, the goal of this mission is identical to that described in the message of September 28 bearing Philpott's signature.

Beginning on October 15, Roth kept a chronology of his activities connected with Chile. This chronology reflects that there was a meeting on October 21 regarding the preparation of biographic material on Chilean generals which focused on their willingness to participate in a military coup. Generals Bennett, Philpott, and a CIA representative attended. The chronology also shows that on October 21, Roth delivered a message to Mr. Broe to be sent by CIA channels.* A message was sent to Col. Wimert that same day, ostensibly from General Bennett, which authorized:

> FYI: Suspension temporarily imposed on MAP and FMS has been rescinded. This action does not repeat not imply change in our estimate of situation. On the contrary, it is intended to place us in a posture in which we can formally cut off assistance if Allende elected and situation develops as we anticipate. Request up date on situation. (Santiago 446; Ref: Headquarters 762) (Headquarters 934, 21 October 1970)

Roth testified that this DIA project ended on October 23 when he followed Philpott's instructions to deliver biographic information on Chilean figures to Mr. Broe at CIA. Philpott also instructed him that

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* Roth believes that General Philpott directed him to deliver this message and also pressed him on several occasions to seek a response from Broe to an earlier message to Colonel Wimert. (Roth, Vol. II, p.)

"any further action on the subject would henceforth be the responsibility of the CIA and that DIA would perform normal support functions." (Roth, p. 8)*

Both Bennett and Philpott testified that the activities described by Roth were routine DIA activities. However, Colonel Roth testified:

> I believe my impression at the time, or my recollection, is that I was informed that there was concern at the highest U.S. Governmental level over the possible election of Allende, that DIA then had a priority responsibility of coming up with the identities of key Chilean personalities that would be helpful, and so forth. I have nothing specific as to the nature of the instructions or the channels through which they came.
>
> Q. It was your sense at the time that you were working on a project that if it had not been initiated by, at least had the attention of or concern of, the highest level?

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* Roth's chronology also indicates that Philpott had asked that Broe be queried on two or three occasions regarding a report from Wimert and that Philpott instructed that only he (Philpott) would communicate with Cushman if the need arose. (Roth, p. 11) Roth also testified that Philpott advised him that communications with Wimert would be by CIA channels. (Roth, p. 41)

Colonel Roth. That was my impression at the time.

Q. You understand from your work in the Defense Department that the highest level of government usually indicated the President of the United States?

Colonel Roth. I would assume that.

The CIA produced copies of several messages which identify Generals Bennett and Philpott as either the sender or recipient. Among these documents is a message relating to Track II which bears Philpott's purported signature. (Undated message. ca. 14 October 1970) General Philpott admitted that the signature appears to be his but doubted that it was and he could not recall signing it, or having seen it. (Philpott, p.) CIA also produced messages of October 14 (Headquarters 762) and October 21 (Headquarters 934) conveying instructions from General Bennett to the Army Attache. General Bennett testified he did not authorize these messages:

> It is beyond the responsibilities which I had in the military assistance area. It goes beyond the responsibility which I had in terms that I would have to get the authority or the approval of the Secretary through the Chairman for covert action of this magnitude. This message would not have been signed by me. (Bennett testimony, p. 21)

According to Karamessines, only the White House had the authority to issue the directives contained in those messages (Karamessines testimony, p. 84)

The Department of Defense was unable to provide any documents bearing on the issue of Wimert's Track II instructions or responses. A DOD file search under the direction of General Daniel O. Graham, the present Director of DIA, produced no copies of communication documents for the September-October 1970 period. (Graham, p. 6) However, Roth testified that detailed memoranda for the record which he prepared on his activities are missing from the files. (Roth, Vol. II, p.)

CIA officials maintain that they acted faithfully in transmitting messages to Generals Bennett and/or Philpott and in never sending a message without proper authorization. Mr. Karamessines was particularly forceful in this regard:

> ...I can recall no instance in my experience at the Central Intelligence Agency in which a message was received for an individual, an officer of the government anywhere, in whatever department, which was not faithfully, directly, promptly and fully and accurately delivered to that officer, or to his duly authorized representative.
> (Karamessines testimony, p. 79)

> We may have played tricks overseas, but it stopped at the water's edge, and we didn't play tricks among ourselves or among our colleagues within the Agency or in other agencies.
> (Karamessines testimony, p. 79)

> We could not remain in business for a day...if this had been the practice of the Agency. It would have been no time at all before we would have been found out, a single instance of the kind of thing you are suggesting might have taken place would have put us out of business.
> (Karamessines testimony, p. 80)

Dr. Kissinger denied he was ever informed of the Army Attache's role or that he authorized any messages to be sent to the Army Attache. (Kissinger testimony, p. 22)

The investigation to date has not resolved the conflict between the statements of the senior CIA, DIA and White House officials. There are four possibilities that could explain the conflict. First, Generals Bennett and Philpott were cognizant of Track II and communicated their general instructions to the Army Attache. This possibility would be contrary to their sworn testimony. Second, General Bennett was not aware of Track II but General Philpott was and communicated general instructions to the Army Attache. This possibility is supported by Roth's testimony but would be contrary to Philpott's sworn testimony and his duty to keep General Bennett informed. Third, the CIA acted on its own, and, after receiving initial authority from General Philpott, co-opted and ordered

the Army Attache without further informing any member of the Department of Defense of the White House. This possibility would be contrary to the sworn testimony of David Phillips, William Broe, Thomas Karamessines, and William Colby. Fourth, members of the White House staff authorized the CIA to convey orders to the Army Attache on the basis of high or highest government authority. Further, that the White House staff directed that the Army Attache's superiors in the Pentagon not be informed. This possibility would contradict the sworn testimony of Dr. Kissinger and General Alexander Haig.

D. The False Flag Base

In order to minimize the risks of making contact with the dissident Chilean officers, the task force decided in late September to set up a "False Flag Base," i.e., to send four staff officers to Chile posing as nationals of other countries to supplement Colonel Wimert's contacts with Chilean military officers.* Given the limitations of the Station's resources and Colonel Wimert's visibility, Headquarters felt the use of "False Flag Officers" was necessary because "We don't want to miss a chance." One of these officers posed as a Brazilian intelligence officer so that "any flap would be a Brazilian one." (Headquarters 363, September 27, 1970)

*The use of "False Flag Officers" is not, according to David Phillips, "an unusual practice," either by the CIA or foreign intelligence services. (Phillips testimony, pp. 47-48)

The False Flaggers were compartmented from each other and reported separately on their contacts to a "deep cover" CIA officer in Santiago who in turn reported to the Station. According to the testimony of the Chief of Station, they received their instructions from Washington and not from him. (Chief of Station testimony (Felix), August 1, 1975, p. 27)

E. Chief of Station

Although most of the Station officers in Santiago did not know of Track II, the Chief and Deputy Chief of Station were knowledgeable and the Chief of Station initiated contacts on his own with Chilean officers. The COS has testified that he regarded Track II as unrealistic:

> I had left no doubt in the minds of my colleagues and superiors that I did not consider any kind of intervention in those constitutional processes desirable....And one of the reasons certainly for my last recall (to Washington) was to be read the riot act--which was done in a very pleasant, but very intelligible manner. Specifically, I was told at that time that the Agency was not too interested in continuously being told by me that certain proposals which had been made could not be executed, or would be counterproductive. (Chief of Station (Felix) testimony, August 1, 1975, p. 10)

The Chief of Station's objection to Track II did not go unnoticed. The following instruction to the COS was sent on October 7: "Report should not contain analysis and argumentation but simply report on action taken." (Headquarters 612, 7 October) Very simply, Headquarters wanted the Station to take orders quietly as was the Agency itself.

Three examples of the Chief of Station's reporting bear out his claim to have dissented:

> Bear in mind that parameter of action is exceedingly narrow and available options are quite limited and relatively simple.
> (Santiago 424, September 23, 1970)

> Feel necessary to caution against any false optimism. It is essential that we not become victims of our own propaganda. (Santiago 441, October 1, 1970)

> Urge you do not convey impression that Station has sure-fire method of halting, let alone triggering coup attempts. (Santiago 477, October 7, 1970, p.2)

IV. CIA Efforts to Promote a Coup

A. The Chilean Conspirators

Anti-Allende coup plotting in Chile centered around several key individuals. One of these was retired General Roberto Viaux, the General who had led the "Tacnazo" insurrection a year before.* Following the "Tacnazo" revolt, and his dismissal from the Army, Viaux retained the support of many non-commissioned and junior officers as well as being the recognized leader of several right-wing civilian groups. (CIA Briefing Paper, "Special Mandate from the President on Chile," July 15, 1975)

Another individual around which plotting centered was General Camilo Valenzuela, Commander of the Santiago Garrison. General Valenzuela was in league with several other active duty officers, including Admiral Hugo Tirado, Navy Commander in Chief; General Vicente Huerta, Director General of the Carabinero (police) Corps; General Canales, Director of the Military Academy; and General Joaquin Garcia, second in command, Air Force. (CIA Report on Chilean Task Force Activities, November 18, 1970) All of these officers, with the possible exception of Canales, were in contact with Viaux as well.**

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*This revolt was engineered by Viaux ostensibly for the purposes of dramatizing the military's demand for higher pay, but was widely interpreted as an abortive coup.

**The record of meetings between Viaux and the active duty military officers is incomplete. The record does show, however, that Viaux met with General Huerta around October 7. (Chile Task Force Log, October 7). On October 12 Viaux met with General Valenzuela (Chile Task Force Log, 14 October). One cable from Santiago indicates that Admiral Tirado may have been a member of Viaux's inner circle of conspirators. (Station 545, 16 October 1970) At the very least, Tirado was in contact with Viaux.

Although a distinction can be made between the Viaux and Valenzuela groups, as CIA witnesses did throughout their testimony before the Committee, the principal distinction between the two was that the latter was led by active duty military officers. The two groups were in contact with each other. The record also indicates that they worked together in at least two of the three Schneider kidnap attempts.

There was considerable communication among the various plotting elements. As Thomas Karamessines testified:

> ...I might add here that it seemed that a good dozen or more, maybe 20 Chilean senior officers were privy to what was going on in addition to President Frei and they were all talking to one another exchanging views and trying to see how best to mount the kind of coup that they wanted to see take place. (Karamessines testimony, p. 10)

B. Contacts Prior to October 15

The CIA's initial task in Chile was to assess the potential within the Chilean military to stage a coup. It recognized quickly that anti-Allende currents did exist in the military and the Carabineros (police), but were immobilized by "the tradition of military respect for the Constitution" and "the public and private stance of General Schneider, Commander in Chief of the Army, who advocated strict adherence to the Constitution." (CIA Report on Chilean Task Force Activities, 18 November 1970, p. 17) The Agency's task, then, was to overcome "the apolitical, constitutional-oriented inertia of the Chilean military." (Ibid, p. 2)

Since the very top of the Chilean military, embodied by General Schneider and his second-in-command, General Prat, were hostile to the idea of a coup against Allende, discreet approaches were made to the second level of general officers. They were to be informed that the U.S. Government would support a coup both before and after it took place.* (Headquarters to Station 611, 7 October 1970) This effort began in earnest on October 5 when Colonel Wimert informed both an Army General ("Station's priority contact") an an Air Force General of the pro-coup

*The military officers were told, for example, that should Allende be prevented from taking office, "The Chilean military will not be ostracized, but rather can continue to count on us for MAP support and maintenance of our close relationship." (Hqs. 075517, 7 October 1970)

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U.S. policy. (Santiago 469, October 5; Santiago 473, October 6)*

Three days later the Chief of Station told General Huerta, Commander of the Carabineros that "the U.S. Government favors a military solution and is willing to support it in any manner short of outright military intervention." (Task Force Log, 9 October) General Huerta informed the COS that there was no chance of a coup by the Chilean Army high command. (Task Force Log, 10 October)

On October 7, Colonel Wimert approached members of the War Academy in Santiago who in turn asked him to provide light weapons. This was Colonel Wimert's first contact with the Army Lt. Colonel to whom he would ultimately pass three submachine guns on October 22.** At this meeting, the Lt. Colonel told Colonel Wimert that he and his colleagues were

> trying to exert force on Frei to eliminate Gen. Schneider to either replace him, send him out of the country. They had even studied plans to kidnap him. Schneider is the main barrier to all plans for the military to take over the government to prevent an Allende presidency. (Santiago 483, 8 October)

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*According to the CIA's wrap-up report on Track II, between October 5 and October 20, the CIA Station and the Army Attache--for the most part the latter--made 21 contacts with key military and Carabinero officials. (CIA Report on Chilean Task Force Activities, 8 November 1970)

**In his testimony, Colonel Wimert indicated that the Lt. Colonel was affiliated with General Canales. (Wimert testimony, p. 52) In a cable sent to Headquarters on October 18, in which the Lt. Colonel's request for three submachine guns was made, the Station indicated that Wimert believed the Army officer, and his companion, a Navy Captain, were in league with Admiral Tirado. (Station 562, October 18) At another point in his testimony, Wimert stated, "There was Valenzuela here and the Navy Captain and the Army Lt. Colonel and the Air Force General over here." (Wimert testimony, p. 107) The Committee has been unable to determine the exact affiliation of the Army Lt. Colonel. However, as previously stated, both General Canales and Admiral Tirado were affiliated with General Valenzuela and Admiral Tirado was in contact with General Viaux.

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The next day, October 8, Headquarters cabled the Station in response to the Wimert-Lt. Colonel meeting. Headquarters took note of Schneider's resistance to coup plans and stated:

> ...This would make it more important than ever to remove him and to bring this new state of events...anything we or Station can do to effect removal of Schneider? We know this rhetorical question, but wish inspire thought on both ends on this matter.
> (Hqs. 628, 8 October)

During the first week of intensive efforts chances of success looked unusually bleak. The Chile Task Force Log commented:

> President Frei and the highest levels of the armed forces unable to pull themselves together to block Allende. The Chilean military's tradition of non-intervention, Frei's reluctance to tarnish his historical image, General Schneider's firm constitutional stand, and most importantly, the lack of leadership within the government and military are working against a military takeover.
> (Task Force Log, 8 October)

The following day the Station made reference to the "rapid(ly) waning chances for success." (Santiago 487, 9 October) This pessimism was not dispelled by their simultaneous judgment: "Station has arrived at Viaux solution by process of elimination." (Santiago 504, 10 October) Three days later the Task Force agreed: "We continue to focus our attention on General Viaux who now appears to be the only military leader willing to block Allende." (Task Force Log, 13 October)

If Viaux was the CIA's only hope of staging a coup, things were bleak indeed. His own colleagues, Generals Huerta and Valenzuela described him as "a General without an army." (Santiago 495, 9 October) Yet in the first two weeks of October he came to be regarded as the best hope for carrying out the CIA's Track II mandate.

Although Colonel Wimert was instructed not to involve himself with Viaux because of the high risk involved (Santiago 461, 5 October), he served initially as a contact to Viaux through an Argentine military Attache. The Argentine reported on October 5 that Viaux wanted several hundred paralyzing gas grenades to launch a coup on October 9. (Santiago 476, 6 October) Headquarters turned down the request, concluding that a "mini-coup at this juncture would be counterproductive" and Viaux should postpone his plans, "while encouraging him in a suitable manner to maintain his posture so that he may join larger movement later if it materializes." (Headquarters 585, 6 October)

The primary purpose of the "False Flag Base" was to contact Viaux, and it very rapidly relieved Wimert and the Argentine Attache of that task. Viaux reiterated his demand for an air drop of weapons to the "False Flagger," and again the response was the same: reject the demand for arms, but encourage him to keep planning. In essence the Agency was buying time with Viaux: "We wish to encourage Viaux to expand and refine his coup planning. Gain some influence over his actions." (Headquarters 689, 10 October) To achieve this latter purpose, Headquarters authorized passing $20,000 in cash and a promise of $250,000 in life insurance to Viaux and his associates, as a demonstration of U.S. support. (Headquarters 729, 13 October)

On October 13, Headquarters again indicated its concern over Schneider by asking: "What is to keep Schneider from making statement in early hours which will freeze those military leaders who might otherwise join Viaux?" (Headquarters 729, 13 October) The Station's response later that same day was "Viaux intends to kidnap Generals Schneider and Prats within the next 48 hours in order to precipitate a coup." (Santiago 527,

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13 October)* This Viaux kidnapping of Schneider was reported by the Station "as part of a coup that included Valenzuela." (Station 529, 13 October)

At about this time the Station began to receive encouragement from its other contacts. On October 14, ten days before the Chilean Congress was to vote, the Task Force Log concluded:

> Now we are beginning to see signs of increasing coup activity from other military quarters, specifically, an Army General (name deleted), Admiral Tirado, the forces in Concepcion and Valdivis and perhaps even Frei and Ossa.
> (Task Force Log, 14 October)

C. <u>October 15 Decision</u>

To summarize, by October 15, General Viaux had advertised to his contact a desire to proceed with a coup, had indicated he would deal with the Schneider obstacle by kidnapping him, had met at least once with Generals Huerta and Valenzuela and had once postponed his coup plans.*

On October 15 Thomas Karamessines met Henry Kissinger and Alexander Haig at the White House to discuss the situation in Chile. According to the Agency's record of this meeting, Karamessines "provided a rundown on Viaux, the Canales meeting with Tirado, and, in some detail, the general situation in Chile from the coup-possibility viewpoint." (Memorandum of Conversation/Kissinger, Karamessines, and Haig, 15 October 1970) A decision was made at the meeting "to de-fuse the Viaux coup plot, at least temporarily:"

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* The reason for Viaux postponing his coup plans was the subject of a cable from Santiago to Headquarters:

> We discount Viaux's statement that he had called off his coup attempt because of False Flag Officer's impending visit. Other reporting indicated Viaux probably not able or intending move this weekend. (Santiago 499, 10 October)

There is also reason to believe that General Valenzuela was instrumental in persuading Viaux to postpone. According to the Chile Task Force Log:

> Station reported that on 12 October General Valenzuela met with General Viaux and attempted to persuade him not to attempt a coup." (Chile Task Force Log, 14 October)

> It was decided by those present that the Agency must get a message to Viaux warning him against any precipitate action. In essence the message should state: "We have reviewed your plans and based on your information and ours, we come to the conclusion that your plans for a coup at this time cannot succeed. Failing, they may reduce your capabilities in the future. Preserve your assets. We will stay in touch. The time will come when you with all your other friends can do something. You will continue to have our support." (15 October Memorandum of Conversation, Kissinger, Karamessines, Haig)

The meeting concluded, according to the Agency's record, "on Dr. Kissinger's note that the Agency should continue keeping the pressure on every Allende weak spot in sight--now, after the 24th of October, after 5 November, and into the future until such time as new marching orders are given. Mr. Karamessines stated that the Agency would comply."*

The following day CIA Headquarters cabled the results of the White House meeting to the Station in Santiago:

> 2. It is firm and continuing policy that Allende be overthrown by a coup....We are to continue to generate maximum pressure toward this end utilizing every appropriate resource.
>
> 3. After the most careful consideration it was determined that a Viaux coup attempt carried out by him alone with the forces now at his disposal would fail. Thus it would be counterproductive to our Track Two objectives. It was decided that CIA get a message to Viaux warning him against precipitate action. (Headquarters 802, 16 October)

The message was supplemented by orders to "continue to encourage him (Viaux) to amplify his planning; encourage him to join forces with other coup planners." (Headquarters 802, 16 October) The message concluded: "There is great and continuing interest in the activities of Tirado, Canales, Valenzuela _et al_ and we wish them optimum good fortune." (Ibid.)

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* Secretary Kissinger's recollection of the October 15 meeting is not in accord with that of Mr. Karamessines or the cable (Headquarters 802) that was sent the following day to the Station in Santiago. This matter will be discussed in Part V of this report.

D. Coup Planning and Attempts After October 15

The decision to "de-fuse" General Viaux was passed to Viaux's father-in-law on October 17. The in-law responded that it did not matter because they had decided to proceed with the coup in any case. (Santiago 533, 17 October) At the final meeting of the CIA "False Flagger" and Viaux's father-in-law on October 18, the Agency was informed that the coup would proceed on October 22, "and that the abduction of General Schneider is first link in chain of events to come." (Santiago 568, 19 October) An "emergency channel" of communication with Viaux was maintained. (Report on CIA Chilean Task Force Activities, 18 November 1970, page 21)

As previously stated, by mid-October things suddenly looked brighter for a coup being mounted by the high-level Chilean military contacts.* As a CIA overview statement in Track II stated:

> Coup possibilities afforded by the active duty military group led by General Valenzuela and Admiral Tirado had always seemed more promising than the capabilities of the Viaux group. These military officers had the ability and resources to act providing they decided to move and organized themselves accordingly.
> (CIA Briefing Paper, "Special Mandate from the President on Chile," July 15, 1975, p. 5)

By mid-October those military officers appeared to be moving in this direction.

On the evening of October 17, Colonel Wimert met with the Army Lt. Colonel and the Navy Captain. They requested 8 to 10 tear gas grenades,

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*Two coup plotters, Generals Canales and Garin, made one last attempt to persuade General Schneider to change his anti-coup position on October 15. The Station reported that the meeting turned out to be a "complete fiasco. Schneider refused to listen to General Canales' eloquent presentation of Communist action in Chile...and adament in maintaining his non-involvement stance." (Santiago 548, 16 October)

three 45-caliber machine guns and 500 rounds of ammunition. The Navy Captain said he had three machine guns himself "but can be identified by serial numbers as having been issued to him. Therefore unable to use them." (Santiago 562, 18 October) Colonel Wimert and the Chief of Station have testified that the officers wanted the machine guns for self-protection. The question, of course, is whether the arms were intended for use, or were used, in the kidnapping of General Schneider. The fact that the weapons were provided the Lt. Colonel and the Navy Captain and that Viaux associates were convicted of the Schneider killing suggests that the guns were not involved.

The machine guns and ammunition were sent from Washington by diplomatic pouch on the morning of October 19, although Headquarters was puzzled about their purpose: "Will continue make effort provide them but find our credulity stretched by Navy Captain leading his troops with sterile guns. What is special purpose for these guns? We will try send them whether you can provide explanation or not." (Headquarters 854, 18 October) The first installment was delivered to the Army Lt. Colonel and the Navy Captain late in the evening of October 18 and consisted of the six tear gas grenades intended originally for Viaux.*

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* As previously stated, after October 15 CIA efforts to promote a coup in Chile focussed on the active duty military officers--Valenzuela, et. al.--rather than Viaux. An example of this shift in focus was the decision to provide the Army Lt. Colonel and the Army Captain the tear gas grenades originally intended for Viaux. A cable from Santiago explained the purpose of this action:

> Station plans give six tear gas grenades to Colonel Wimert for delivery to Armed Forces officers (deletion) instead of having False Flag Officer deliver them to Viaux group. Our reasoning is that Wimert dealing with active duty officers. Also False Flagger leaving evening 18 October, and will not be replaced but Wimert will stay here. Hence important that Wimert credibility with Armed Forces officers be strengthened.
> (Santiago 562, 18 October)

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That same day, General Valenzuela informed Colonel Wimert that he, General Huerta, Admiral Tirado and an Air Force General were prepared to sponsor a coup. (CIA Report on Chilean Task Force Activities, 18 November 1970) Their plan was to begin with the kidnapping of General Schneider on the following evening, October 19, at a military dinner being given for Schneider,* after which Schneider would be flown to Argentina, Frei would resign and leave Chile, Admiral Tirado would head the military junta, and dissolve Congress. With respect to the kidnapping of Schneider, the cable reports:

> General Viaux knowledgeable of above operation but not directly involved. He has been sent to Vina to stay with prominent physician. Will be seen in public places during 19 and 20 October to demonstrate fact that above operation not his doing. Will be allowed to return to Santiago at end of week. Military will not admit involvement in Schneider's abduction which is to be blamed on leftists. (Santiago 566, 19 October)

The kidnapping of the evening of October 19 failed because General Schneider left in a private vehicle, rather than in his official car, and his police guard failed to be withdrawn, but the Army Lt.Colonel assured Colonel Wimert that another attempt would be made on October 20. (Santiago 582, 20 October) Colonel Wimert was authorized to pay Valenzuela $50,000 "which was the price agreed upon between the plotters and the unidentified team of abductors."

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* The "False Flag Officer" who was in contact with Viaux at the time the Valenzuela plan was given to Colonel Wimert apparently understood that Viaux was involved in the October 19 attempt. He stated:

> Q. Were you told any of the details of how the (Viaux) kidnapping would be carried out?
>
> Mr. Sarno. They indicated it was going to be at some sort of a banquet which the General (Schneider) would be attending.
>
> (Sarno testimony, p. 37)

but Wimert insisted that the kidnapping be completed before he paid the money. (Task Force Log, 20 October) At the same time General Valenzuela assured Colonel Wimert that the military was now prepared to move. (Task Force Log, 20 October) The second abduction attempt on the 20th also failed and the Task Force concluded

> Since Valenzuela's group is apparently having considerable difficulty executing even the first step of its coup plan, the prospects for a coup succeeding or even occurring before 24 October now appears remote. (Task Force Log, 22 October)

E. The Killing of General Schneider

In the early morning hours of October 22 (2 am), Colonel Wimert delivered the three submachine guns with ammunition to the Army Lt. Colonel in an isolated section of Santiago.*

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*Although Colonel Wimert's testimony and the cable traffic do not clearly establish the identity of the group to which the Lt. Colonel was affiliated (see page 31) two CIA statements on Track II tie the weapons, and therefore the Lt. Colonel, to the Valenzuela group:

> ...The only assistance requested by Valenzuela to set the plan /of October 19/ into motion through Schneider's abduction was several sub-machine guns, ammunition, a few tear gas grenades and gas masks (all of which were provided) plus $50,000 for expenses (which was to be passed upon demand.
> (CIA Report on Chilean Task Force Activities, 18 November 1970, p. 22)

> ...Three sub-machine guns, together with six gas cannisters and masks, were passed to the Valenzuela group at 2 am on 22 October. The reason why they still wanted the weapons was because there were two days remaining before the Congress decided the Presidential election and the Valenzuela group maintained some hope they could still carry out their plans.
> (CIA Briefing Paper, "Special Mandate from the President on Chile," p. 7, July 15, 1975)

At about 7 am that day the group that intended to kidnap General Schneider met to discuss last-minute instructions. According to the findings of the Chilean Military Court which investigated the Schneider killing, neither the Army Lt. Colonel nor the Navy Captain were there. Shortly after 8 am, General Schneider's car was intercepted, on his way to work, by the abductors and he was mortally wounded when he drew his handgun in self-defense. The Military Court determined that hand guns had been used to kill General Schneider, although it also found that one unloaded machine gun was at the scene of the killing.*

The first Station reports following the Schneider shooting said "Military Mission sources claim General Schneider machine gunned on way to work" (Santiago 587, 22 October) and "Assailants used grease guns." (Santiago 589, 22 October) The submachine guns had previously been described as "grease guns." Thus the initial reaction of the Station was that Schneider had been shot with the same kind of weapons delivered several hours earlier to the Army Lt. Colonel. Santiago then informed Headquarters "Station has instructed Col. Wimert to hand over $50,000 if Gen. Valenzuela requests " (Santiago 592, 22 October), thus indicating that the Station thought the kidnapping had been accomplished by Valenzuela's paid abductors. Later that day, the Station cabled Headquarters:

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* The Military Court determined that those who participated in the shooting of General Schneider on October 22 were part of the Viaux-led conspiracy. The Court also found that this same group had participated in the October 19 and 20 kidnap attempts.

In June 1972 General Viaux was convicted for complicity in the plot culminating in the death of General Schneider. He received a 20-year prison sentence for being "author of the crime of kidnapping which resulted in serious injury to the victim," and a five-year exile for conspiring to cause a military coup. Also convicted on the latter charge were Generals Valenzuela and Tirado. They received sentences of three years in exile.

> Station unaware if assassination was premeditated or whether it constituted bungled abduction attempt. In any case, it important to bear in mind that move against Schneider was conceived by and executed at behest of senior Armed Forces officers. We know that General Valenzuela was involved. We also near certain that Admiral Tirado, Army Lt. Colonel and Navy Captain witting and involved. We have reason for believeing that General Viaux and numerous associates fully clued in, but cannot prove or disprove that execution or attempt against Schneider was entrusted to elements linked with Viaux. Important factor to bear in mind is that Armed Forces, and not retired officers or extreme rightests, set Schneider up for execution or abduction.... All we can say is that attempt against Schneider is affording Armed Forces one last opportunity to prevent Allende's election if they are willing to follow Valenzuela's scenario.
>
> (Santiago 598, 22 October)

F. Post October 22 Events

The shooting of General Schneider resulted immediately in a declaration of martial law, the appointment of General Prats to succeed Schneider as Commander in Chief, and the appointment of General Valenzuela as chief of Santiago province. These measures, and others taken, caused the Chile Task Force to make the following initial judgment:

> With only 24 hours remaining before the Congressional runoff, a coup climate exists in Chile....The attack on General Schneider has produced developments which closely follow Valenzuela's plan....Consequently the plotters' positions have been enhanced.
>
> (Chile Task Force Log, 22 October)

On October 23, Director Helms reviewed and discussed Track II:

> It was agreed...that a maximum effort has been achieved, and that now only the Chileans themselves can manage a successful coup. The Chileans have been guided to a point where a military solution is at least open to them. (Task Force Log, 24 October)

Although it was not immediately clear to CIA observers, the Station's prediction of October 9 that the shooting of Schneider (as a result of an abduction attempt) would "rally the Army firmly behind the flag of constitutionalism" was correct. (Santiago 495, 9 October) On October 24 Dr. Allende was confirmed by the Chilean Congress. General Schneider died the next day.

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V. CIA/White House Communication During Track II

The testimony given to the Committee by Henry Kissinger and General Haig conflicts with that given by CIA officials.

Kissinger and Haig testified that on October 15, 1970, the White House stood down CIA efforts to promote a military coup d'etat in Chile. Both testified that after that date they were neither informed of, nor authorized, CIA Track II activities, including the kidnap plans of General Schneider and the passage of weapons to the military plotters.

By contrast, CIA officials testified that they operated before and after October 15 with the knowledge and approval of the White House.

The conflict pertains directly to the period after October 15, but it bears on the degree of communication between the White House and the CIA in the earlier period as well. For instance, Henry Kissinger testified that he was informed of no coup plan which began with the abduction of General Schneider. He was aware of General Viaux's plan--which he and Karamessines decided on October 15 to try to forestall--but did not know that it was to begin with Schneider's abduction.

CIA officials, especially Thomas Karamessines, stated that there was close consultation throughout Track II between the Agency and the White House. Karamessines testified that he met with Kissinger some six to ten times during the five weeks of Track II (Karamessines testimony, page 66); and that he kept Kissinger generally informed of developments. (Ibid., page 56) The Committee has records of two meetings between Karamessines and Kissinger and of one telephone conversation between Karamessines and Kissinger's deputy, General Alexander Haig. Karamessines' daily calendar indicates that three other meetings with General Haig took place--but does not establish with certainty that the topic was

Track II. The calendar also suggests that Karamessines and Kissinger met on three other occasions and so might have had the opportunity to discuss Track II.

Henry Kissinger's testimony before the Committee differs from Karamessines in two respects: He believed Track II was "turned off" on October 15; and, after that date, he was informed neither of the coup plans of the Chilean conspirators nor of the passage of weapons to them. He said that Track II was

> in the nature of a probe and not in the nature of a plan,...no plan for a coup was ever submitted to the White House. So my recollection of events, this was a request by President Nixon for Track II which led to two or three meetings which then on October 15th led to being turned off by the White House, after which Track II was dead as far as my office was concerned, and we never received another report on the subject. (Kissinger testimony, p. 15)
>
> ***
>
> In my mind Track II was finished on October 15th and I never received any further CIA information after October 15th on the basis of any records that I have been able to find. (Ibid., p. 59)

General Haig's testimony generally coincided with Kissinger's recollection:

> I left (the October 15th meeting) with the distinct impression that there was nothing that could be done in this covert area that offered promise or hope for success. I had the distinct impression that was Dr. Kissinger's conclusion, and that in effect these things--and I wasn't even really familiar with what these two groups were to do and how they were to do it, but they were to cease and desist. (Haig testimony, pp. 26-27)
>
> ***
>
> My recollection would be that we had no hope for a viable, covert plan of action. That is the impression I got. (Ibid., p. 29)

The following pages present the Committee's record of communication between the White House and the CIA from September 18 through December 2:

September 18

Helms and Karamessines met with Kissinger at the White House. As Helms' notes of the September 15 meeting indicate, Kissinger wanted a plan within 48 hours. In the meeting on the 18th, according to CIA records, there was little discussion of a military coup. Rather the conversation focused on "what economic leverage could be exercised in the Chilean situation...." (Memorandum/Meeting with DDP, 18 September)

The efficacy of economic pressure continued to be a subject of concern during the last days of September. Apparently that pressure was viewed as another inducement to Frei to opt for the "Frei gambit."

September 21

The 40 Committee met. The Select Committee has no confirmation that Chile was on the agenda at this meeting. Karamessines' calendar confirms that he attended; presumably Kissinger, the 40 Committee chairman, also attended, although the Committee has not been able to review his calendar. All that can be said about this meeting--and the meetings of the Senior Review Group, which Kissinger also chaired--is that the meetings afforded Karamessines and Kissinger an opportunity to meet privately and discuss Track II if they desired. In all these instances save the 40 Committee meeting on September 22, the Committee has no evidence to confirm that such a private Kissinger/Karamessines meeting actually took place. That the CIA prepared a memorandum of conversation for the private meeting on the 22nd but has been able to find none for other meetings may provide some support for the argument that no other such private meetings occurred.

September 22

Kissinger asked Karamessines to stay behind after a 40 Committee meeting called to discuss Track I. The two men discussed Track II actions, especially the contacts with then-Chilean-President Frei. According to

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CIA record of the meeting, Kissinger told Karamessines that "our handling of the problem during the earlier meeting had been perfect and he added we were doing fine and keep it up." (Memorandum for the Record/Chile, 22 September 1970, by Thomas Karamessines)

B. October

October 5

A cable sent to Santiago, released by Karamessines, requested a report on how the Station planned to contact the three Chilean Generals --Prats, Valenzuela and Huerta--named in a cable of September 30. (Headquarters 449) The October 5 cable indicated that the report was needed for a discussion with Kissinger on October 6. (Santiago 556, 5 October 1970) Karamessines presumed such a meeting had taken place, although he had no specific memory of it. (Karamessines testimony, pp. 69-70) His calendar for October 6 indicates that he attended a 40 Committee meeting on Chile. (Karamessines calendar) Kissinger chaired the 40 Committee.

October 6

The Station reported that General Viaux was "ready to launch golpe evening 9 October, or morning 10 October." (Santiago 472, 6 October 1970) In response, CIA Headquarters labeled the prospective coup one "with scant chance of success which will vitiate any further more serious action." The Station was directed to try to "stop ill-considered action at this time." (Headquarters 585, 6 October 1970)

Kissinger testified he had not been informed of the Viaux plan, supporting his recollection with the fact that the CIA memorandum of an October 10 conversation between Karamessines and Haig (see below) makes no mention of any previous plots. (Kissinger testimony, p. 24)

Similarly, Kissinger did not remember having been informed that the CIA had called off a coup it regarded as premature. He stated:

> My perception at that period was that if they had a coup they would come...back to us before triggering it...at no time during the period did they, in fact, tell us...that they had a coup that might be ready to go. And, indeed, they generally told us the opposite.
> (Kissinger testimony, pp. 25-26)

As Karamessines' calendar indicated, there was a 40 Committee meeting on October 6. He attended this meeting, along with Richard Helms and William Broe of the CIA. According to the minutes of that meeting, CIA efforts to promote a military coup in Chile were not discussed. However, in an exchange with Charles Meyer, who was then the State Department's Assistant Secretary for Latin American Affairs, Dr. Kissinger stressed the desire of "higher authority" (President Nixon) to prevent Allende's assumption of office. According to the minutes:

> Mr. Meyer pointed to the need to determine a post-Allende position such as proposed in NSSM 97. It was agreed that an early NSC meeting was desirable on that subject. Mr. Kissinger said this presumed total acceptance of a fait accompli and higher authority had no intention of conceding before the 24th; on the contrary, he wanted no stone left unturned. (Memorandum for the Record/Minutes of the Meeting of the 40 Committee, 6 October 1970, 7 October 1970)

<u>October 8</u>

Karamessines met for lunch with General Haig. (Karamessines calendar)

In his testimony, Haig recalled being aware that the CIA was in touch with two differenct groups of military plotters. He believed there must have been another meeting in which the CIA informed him of its on-going contacts.

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> It seems to me, although the records don't reflect it, that there was a meeting in September, a very brief one, in which I must have been told that there was a specific program going underway. That probably would have been by Henry (Kissinger) and perhaps with Karamessines there. I am not sure. (Haig testimony, p. 12)

<u>October 10</u>

Karamessines discussed the Chilean situation by telephone with General Haig. He indicated that the Station had "made direct contact with a number of the senior military officers, especially those who had been reportedly very activist-minded and had received pessimistic reactions from all." (Memorandum/FUBELT, by William Broe, 10 October 1970)

Haig recalled the telephone conversation with Karamessines on the 10th. His recollection accords with the CIA memorandum of conversation.

> I do know, and I know that from looking at the record this morning, that Karamessines made a telephone call to me in which he gave a progress report. I recall that. It was in effect a negative progress report, that they were just not coming up with it. (Haig testimony, p. 12)

Haig indicated to the Committee that he would have passed along the substance of that conversation to Kissinger, and that in general his role at the time was one of a conduit to Kissinger:

> I am quite confident that, given my own conception of my role at that time, that I would have conveyed that information to Henry,...
> (Haig testimony, p. 13)
>
> ***
>
> Q. If Mr. Karamessines was unable to see Dr. Kissinger, and talked to you, what degree of latitude did you have concerning what you would pass on to Dr. Kissinger?
>
> General Haig. At that time I would consider I had no degree of latitude, other than to convey to him what had been given to me. (Ibid., p. 15)

October 14

A cable to Santiago for Colonel Wimert, ostensibly from General Bennett, authorized Wimert to select two Chilean general officers and convey to them the following message: "High authority in Washington has authorized you to offer material support short of armed intervention to Chilean Armed Forces in any endeavors they may undertake to prevent the election of Allende on October 24...." (Headquarters to Station cable 762, October 14, 1970) Karamessines testified that in this case "high authority" would have been Kissinger or the President, for no one else could have given Wimert such broad authorization. Karamessines presumed that the message had been drafted in, or at least cleared with, the White House. (Karamessines testimony, p. 91)

However, Kissinger did not recall having authorized the October 14th cable. He found the sequence of events puzzling: having been told on the 10th that little was happening, he would have expected in the

meeting on the 15th (see below) to have discussed the results of the October 14th message. But the CIA record makes no mention of any such discussion. (Kissinger testimony, p. 53)

October 14

The 40 Committee met to discuss, among other topics, Chile. In addition to the 40 Committee principals (Kissinger, John Mitchell, David Packard, Alexis Johnson, Admiral Moorer), the meeting was attended by Karamessines, William Broe and General Robert Cushman of the CIA, Charles Meyer from State, Viron Vaky, and Ambassador Korry, who had returned to Washington from Santiago for a short period of consultation.

According to the minutes of that meeting, Kissinger asked Karamessines to give a rundown on the latest developments and present situation in Chile. Karamessines pointed out that "a coup climate does not presently exist." He noted that "the unpredictable General Viaux is the only individual seemingly ready to attempt a coup and...his chances of mounting a successful one were slight." Ambassador Korry agreed with Karamessines' assessment and stated that "as of now it seemed almost certain that Allende would be voted into office on October 24th." Kissinger then observed that "there presently appeared to be little the U.S. can do to influence the Chilean situation one way or another." Other participants at the meeting concurred. (Memorandum for the Record/Minutes of the Meeting of the 40 Committee, 14 October 1970, 16 October 1970)

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October 15

Karamessines met with Kissinger and Haig at the White House to discuss Track II. According to the CIA memorandum of conversation, Karamessines gave a run-down on Viaux, Canales and Tirado and "the general situation in Chile from the coup-possibility viewpoint." It was concluded that Viaux did not have more than one chance in twenty--perhaps less--to launch a successful coup. Kissinger ticked off the list of negative repercussions from an unsuccessful coup. The CIA record of the meeting continues:

> 5. It was decided by those present that the Agency must get a message to Viaux warning him against any precipitate action. In essence our message was to state: "We have reviewed your plans, and based on your information and ours, we come to the conclusion that your plans for a coup at this time cannot succeed. Failing, they may reduce your capabilities for the future. Preserve your assets. We will stay in touch. The time will come when you with all your other friends can do something. You will continue to have our support."
>
> 6. After the decision to de-fuse the Viaux coup plot, at least temporarily, Dr. Kissinger instructed Mr. Karamessines to preserve Agency assets in Chile, working clandestinely and securely to maintain the capability for Agency operations against Allende in the future.
>
> 8. The meeting concluded on Dr. Kissinger's note that the Agency should continue keeping the pressure on every Allende weak spot in sight--now, after the 24th of October, after 5 November, and into the future until such time as new marching orders are given. Mr. Karamessines stated that the Agency would comply.
> (Memorandum of Conversation/Dr. Kissinger, Mr. Karamessines, Gen. Haig at the White House, 15 October 1970)

Kissinger, in his testimony before the Committee, regarded the CIA memorandum of conversation as substantially correct, although somewhat more detailed than he would have remembered. (Kissinger testimony, p. 52) He believed the Agency had been told to "stand down and preserve your assets."

Kissinger believed that the gist of the October 15th meeting as recorded in the CIA memorandum was incompatible with the order the CIA issued to its Station the next day, an order ostensibly based on the October 15th meeting. And, he noted, in writing its memorandum of the meeting of the 15th, the CIA had a "high incentive to preserve the maximum degree of authority." (Ibid., pp. 55-56) The October 16th order indicated that Track II had been reviewed at "high USG level" the previous day, and stated:

> 2. It is firm and continuing policy that Allende be overthrown by a coup. It would be much preferable to have this transpire prior to 24 October but efforts in this regard will continue vigorously beyond this date....
>
> 4. There is great and continuing interest in the activities of Tirado, Canales, Valenzuela et al and we wish them optimum good fortune.
> (Headquarters 802, 16 October 1970)

Kissinger recalled the October 15th conversation as "turning off the coup plans rather than giving a new order to do them." (Kissinger testimony, p. 56) Haig agreed in his testimony.

> The conclusions of that meeting were that we had better not do anything rather than something that was not going to succeed....My general feeling was, I left that meeting with the impression that there was nothing authorized."
> (Haig testimony, p. 13)

October 10-October 22 (approximate)

Karamessines and one or two others went with Kissinger to speak with the President, after a larger meeting. Karamessines believed this meeting took place between October 10 and 24. (Karamessines testimony, p. 89) According to Karamessines, the "President went out of his way to impress all of those there with his conviction that it was absolutely essential that the election of Mr. Allende to the presidency be thwarted."* As they were leaving the Oval Office, the President took Karamessines aside to reiterate the message. (Karamessines testimony, p. 8)

October 19

Station cabled Headquarters early in the morning, advising that the tear gas had been passed and outlining the Valenzuela coup plan, beginning with the kidnap of Schneider. In testimony before the Committee, Karamessines indicated he certainly would have reported the Valenzuela plan to Kissinger "very promptly, if for no other reason than that we didn't have all that much promising news to report to the White House...." (Karamessines testimony, p. 72)

> And as I say, if for no other reason we would have wanted to get this kind of hopeful report to the White House as soon as possible, and it would be my best estimate now that that is precisely what we did. (p. 72)

In the afternoon of the 19th, Karamessines met with General Haig for an hour at the White House. (Karamessines calendar) By then, Karamessines would have had in hand the cable outlining the Valenzuela

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*If the meeting with the President occurred after October 15, that would lend credence to the testimony of CIA officials that they were not directed to end their coup efforts in the October 15th meeting. Unfortunately, the Committee has not had access to the daily calendars of President Nixon or Secretary Kissinger, which might pinpoint the date of the President's conversation with Karamessines. Those calendars, along with other White House documents bearing on Track II, have been subpoenaed.

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plan, since the cable had arrived that morning. However, General Haig had no recollection of the meeting with Karamessines on the 19th. Nor did he believe he had been informed of the Valenzuela plan. "This is all very new to me. I hadn't seen any of this, and I was not familiar with this particular plan...or $50,000, or any of the characters that are described in here." (Haig testimony, pp. 38-39)

Similarly, Kissinger testified that he had not been informed of the Valenzuela plan. He said he "was informed of nothing after October 15th...." (Kissinger testimony, p. 65) He indicated that, according to his daily calendar, he had no conversation with either Karamessines or Helms between the 15th and the 19th. (Ibid., p. 53) He indicated that he never knew that the CIA was in the process of passing guns and tear gas to Chilean military conspirators. He said "...there was no further meeting on that subject. In anybody's record, mine or theirs (the CIA's), none of the information from the 16th on was familiar to me." (Ibid., p. 62)

Kissinger further testified he did not know that the United States was dealing with Chilean officers who plotted a coup which involved the abduction of General Schneider:

> Senator Hart of Colorado. I am not sure that the record clearly shows you answer to the direct question of whether you knew or did not know that we were negotiating with military officers with regard to a plot that did involve the abduction of General Schneider.
>
> Secretary Kissinger. I said I did not know. (Kissinger testimony, p. 86)

Nor did General Haig believe he had been informed of any abduction plans before the fact.

Q. Were you aware during that period of time of the plans to kidnap General Schneider?

General Haig. I was aware after the fact....

Q. But you were never informed prior to his attempted abduction?

General Haig. I don't believe I was at all.

October 20

A cable to the Station indicated that "while awaiting word on whatever events may have occurred 19 October, please let us know what you can on interim basis....Headquarters must respond during morning 20 October to queries from high levels." (Headquarters 883, 20 October 1970) Karamessines testified that the references to "high levels" in the cable of the 20th meant White House officials, probably Kissinger. He felt quite certain that Kissinger would have been briefed in advance about Valenzuela's plan for the 19th and so would have been expected to ask what happened on the morning of the 20th. (Karamessines testimony, p. 73) In contrast, Kissinger interpreted that cable in precisely the opposite light. He felt it indicated that he had not been informed of the Valenzuela plan in advance. When news of the Schneider kidnap reached the White House, Kissinger believed he would have had "somebody pick up a telephone and say, 'What is this all about?'" (Kissinger transcript, p. 68)

October 22

Karamessines met with Haig at the White House. (Karamessines calendar) General Haig remembered that word of the shooting of Schneider came as "a great shock" to him, and he believed that Karamessines had told him about it in their meeting on the 22nd. He thought that Kissinger either was present at the meeting or that he, Haig, had gone immediately in to Kissinger's office to relate what Karamessines had told him. (Haig testimony, p. 36)

C. December

December 2

A memorandum, dated December 2, 1970, from Helms to Kissinger stated that Helms had given a recapitulation on Track II to Attorney General Mitchell, who would deliver it personally to Kissinger. A handwritten note on the memorandum reads: "sent to Kissinger via DCI (Helms)." (Helms memorandum for Kissinger, 2 December 1970) The report, which was dated November 18, 1970, contained a full account of CIA activities during Track II, including the several plans to kidnap Schneider and the passage of weapons to the Chilean conspirators. (Report on CIA Chilean Task Force Activities, 15 September to 3 November 1970, 18 November 1970)

In his testimony to the Committee, Kissinger did not recall receiving the report, although he doubted that he would have read such an "after action" report in any case. He testified that he could not find it in his files, in contrast to his finding a CIA report on Track I, dated November 19, 1970. Kissinger was puzzled by a number of aspects of the memorandum and report: why there were two reports, why the report of the 18th apparently was only called to his attention on the 2nd of December, and why it was to be delivered through Mitchell. (Kissinger testimony, pp. 71, 74)

D. Did Track II End?

The Committee also received conflicting testimony about whether or not Track II ever ended, formally or in fact. As noted above, Kissinger indicated that Track II was supposed to have ended, as far as he was concerned, on October 15. It was formally terminated, according to Kissinger, by a new Presidential marching order issued prior to the October 24 vote of the Chilean Congress.

The Committee does not have this new "marching order" in its possession. However, CIA officials from whom the Committee took testimony believed that there had been no such definitive end to Track II. It merely tapered off, to be replaced by a longer-term effort to effect a change of government in Chile. Karamessines' testimony was most explicit:

> Mr. Karamessines. I am sure that the seeds that were laid in that effort in 1970 had their impact in 1973. I do not have any question about that in my mind either. (Karamessines testimony, p. 26)
>
> ***
>
> Q. Was Track II ever formally ended? Was there a specific order ending it?
>
> Mr. Karamessines. As far as I was concerned, Track II was really never ended. What we were told to do in effect was, well, Allende is now President. So Track II, which sought to prevent him from becoming President, was technically out, it was done. But what we were told to do was to continue our efforts. Stay alert, and to do what we could to contribute to the eventual achievement of the objectives and purposes of Track II. That being the case, I don't think it is proper to say that Track II was ended.
> (Ibid., pp. 128-129)

When informed of Karamessines' testimony that Track II was never ended, Kissinger testified:

> The Chairman. Would you take issue with that, with the (Karamessines) testimony?
>
> Secretary Kissinger. Totally....It is clear that...after October 15th that there was no separate channel by the CIA to the White House and that all actions with respect to Chile were taken in the 40 Committee framework. There was no 40 Committee that authorized an approach to or contact with military people, no plots which I am familiar with, and all the covert operations in Chile after Allende's election by the Congress were directed towards maintaining the democratic opposition for the 1976 election. And that was the exclusive thrust, and if there was any further contact with military plotting, it was totally unauthorized and this is the first that I have heard of it. (Kissinger testimony, pp. 75-77)

A. Summary

South Vietnamese President Ngo Dinh Diem and his brother, Ngo Dinh Nhu, were assassinated during a coup by Vietnamese generals on November 2, 1963. Evidence before the Committee indicates that the United States Government offered encouragement for the coup, but neither desired nor was involved in the assassinations. Rather, Diem's assassination appears to have been a spontaneous act by Vietnamese generals, engendered by anger at Diem for refusing to resign or put himself in the custody of the leaders of the coup.

On one occasion, General Duong Van Minh ("Big Minh") outlined to a CIA officer the possible assassination of Nhu and another brother, Ngo Dinh Can, as one of three methods being considered for changing the government in the near future. Ambassador Henry Cabot Lodge and Deputy Chief of Mission William Trueheart were informed of this possibility by the Saigon Chief of Station, who recommended that "we do not set ourselves irrevocably against the assassination plot, since the other two alternatives mean either a bloodbath in Saigon or a protracted struggle which would rip the Army and the country asunder" (CIA cable SAIG 1447, Saigon Station to DCI, 10/5/63). Upon being informed, Director McCone sent two cables. The first stated "[w]e cannot be in the position of stimulating, approving, or supporting assassination", and the second directed that the recommendation be withdrawn because "we cannot be in position actively condoning such course of action and thereby engaging

our responsibility therefor" (CIA cable, DCI to Saigon 10/5/63); CIA cable DIR 73661, DCI to Saigon, 10/6/63).

B. The Abortive Coup of August 1963

On May 8, 1963, South Vietnamese troops in the City of Hue fired on Buddhists protesting against the Diem Government, killing nine and wounding fourteen. This incident triggered a nationwide Buddhist protest and a sharp loss of popular confidence in the Diem regime.*

On May 18, United States Ambassador Frederick E. Nolting met with Diem and outlined steps which the United States desired him to take to redress the Buddhist grievances and recapture public confidence. These steps included admitting responsibility for the Hue incident, compensating the victims, and reaffirming religious equality in the country. (Pentagon Papers, p.208) On June 3, Madame Nhu, the wife of Diem's brother, Nhu, publicly accused the Buddhists of being infiltrated with Communist agents; Truehart protested her remarks to Diem and threatened to disassociate the United States from any repressive measures against the Buddhists in the future (Pentagon Papers, p.308). Shortly thereafter, Madame Nhu commented on the self-immolation of Quang

* Senator Gravel Edition, The Pentagon Papers, The Defense Department History of United States Decisionmaking on Vietnam, pp. 207-208, Volume II, Beacon Press, Boston (hereinafter cited as Pentagon Papers). Former Public Affairs Officer of the U.S. Embassy in Saigon, John Mecklin),in his book, Mission in Torment, An Intimate Account of the U.S. Role in Vietnam, Doubleday and Company, 1965, (hereinafter cited as Mecklin, at pages 158-60 described the "vulnerability of the Buddhists to Communist infiltration during this period noting that it "offered a classic opportunity for a Communist sleeper ploy."

Duc and other Buddhist monks by stating that she would like to furnish mustard for the monks' barbecue. On June 12, Trueheart told Diem that Quang Duc's suicide had shocked the world and again warned that the United States would break with his government if he did not solve the Buddhist problem. (Pentagon Papers, p. 208.)

Lucien Conein, a CIA officer in Saigon,* testified that the Buddhist uprisings were the catalyst that ultimately brought down the Diem regime (Conein, pp. 42-44). These events led the United States to apply "direct, relentless, and tablehammering pressure on Diem such as the United States has seldom before attempted with a sovereign friendly government." (Mecklin, p. 169)

By July 4, 1963, Generals Minh, Don, Kim, and Khiem had agreed on the necessity for a coup.**

In his final meeting on August 14 with Ambassador Nolting, Diem agreed to make a public statement offering concessions to the Buddhists. This statement took the form of an interview

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* Conein testified that he had known the Generals involved in the coup

> "for many years. Some of them I had known back even in World War II. Some of them were in powerful positions, and I was able to talk to them on a person to person basis, not as a government official." (Conein, p. 17.)

** Conein's After-Action Report stated that:

> "The majority of the officers, including General Minh, desired President Diem to have honorable retirement from the political scene in South Vietnam and exile. As to Ngo Dinh Nhu and Ngo Dinh Can, there was never dissention. The attitude was that their deaths, along with Madame Ngo Dinh Nhu, would be welcomed." (Conein After-Action Report, p. 10.)

with the columnist, Margurite Higgins, in which Diem asserted that his policy toward the Buddhists had always been conciliatory and asked for harmony and support of the government.

Shortly after midnight on August 21, 1963, Nhu ordered forces loyal to him to attack pagodas throughout Vietnam, arresting monks and sacking the sacred buildings. Over thirty monks were injured and 1,400 arrested. The American Embassy was taken by surprise and viewed the attacks as a shattering repudiation of Diem's promises to Nolting.* (Pentagon Papers, p.210)

On August 24, 1963, the State Department sent a cable (Deptel 243) to the new ambassador in Vietnam, Henry Cabot Lodge. The telegram was prepared by Roger Hilsman, Assistant Secretary of State for Far Eastern Affairs, and Under Secretary of State Averell Harriman, and was approved by President Kennedy. (Pentagon Papers, p.235) Deptel 243 told Lodge to press Diem to take "prompt dramatic actions" to redress the grievances of the Buddhists.

> "We must at same time also tell key military leaders that US would find it impossible to continue support GVN (Vietnamese Government) militarily and economically unless above steps are taken immediately which we recognize requires removal of the Nhu's from the scene. We wish give Diem reasonable opportunity to remove Nhu's but if he remains obdurate, then we are prepared to accept the obvious implication that we can no longer support Diem. You may also tell appropriate military commanders we will give them direct support in any interim period of breakdown central government mechanism . . . . Concurrently with above, Ambassador and country teams should urgently examine all possible alternative leadership and make detailed plans as to how we might bring Diem's replacement if this should become necessary . . . ."

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* Conein testified that the raids might have been timed to occur when no American Ambassador was in Vietnam (Nolting had left a few days before and his replacement, Lodge, had not yet arrived) (Conein, p.21).

In a cable on August 25, CIA Chief of Station John Richardson reported the result of a conference among himself, Lodge, Trueheart, General Harkins (Commander, Military Assistance Command, Vietnam (MACV) and General Weede (Chief of Staff, MACV). They accepted Deptel 243 "as a basic decision from Washington and would proceed to do their best to carry out instructions", (I.G., C, pp. 7-8) but believed that Diem would refuse to remove his brother from his position in the government.

Early in the morning of August 26, 1963, the Voice of America in South Vietnam placed the blame on Nhu for the August 21 raids and absolved the army. The broadcast also reported speculation that the United States contemplated suspending aid to the South Vietnamese Government (Pentagon Papers, p. 212).* Later on that same day, Lodge presented his credentials to Diem. CIA officers Conein and Spera were told to see Generals Khiem and Khanh, respectively, and to convey to them the substance of Deptel 243, but to remind them that "we cannot be of any help during initial action of assuming power of state. Entirely their own action, win or lose" (SAIG 0304, 8/26/63).

A message from the White House on August 29 authorized Harkins to confirm to the Vietnamese Generals that the United States would support a coup if it had a good chance of succeeding, but did not involve United States armed forces. Lodge was authorized to suspend United States aid at his discretion.(Deptel 272, 8/29/63.) A cable from the President to Lodge on the same day stated:

*In a cable to Harriman, Lodge complained that the VOA broadcast had "complicated our already difficult problem" by eliminating "the possibility of the generals' effort achieving surprise." Lodge further warned that "the US must not appear publicly in the matter, thus giving the 'kiss of death' to its friends" (Cable, Lodge to Harriman, 8/26/63).

> "I have approved all the messages you are receiving from others today, and I emphasize that everything in these messages has my full support. We will do all that we can to help you conclude this operations successfully . . . . Until the very moment of the go signal for the operation by the Generals, I must reserve a contingent right to change course and reverse previous instructions. While fully aware of your assessment of the consequences of such a reversal, I know from experience that failure is more destructive than an appearance of indecision. I would, of course, accept full responsibility for any such change as I must also bear the full responsibility for this operation and its consequences." (Cable, 8/29/63).

In a reply cable, Lodge stated:

> "1. I fully understand that you have the right and responsibility to change course at any time. Of course I will always respect that right.
>
> 2. To be successful, this operation must be essentially a Vietnamese affair with a momentum of its own. Should this happen you may not be able to control it, i.e., the "go signal" may be given by the generals." (Cable, Lodge to President, 8/30/63)

A cable from Saigon dated August 31, 1963, stated:

> "This particular coup is finished . . . . Generals did not feel ready and did not have sufficient balance of forces . . . . There is little doubt that GVN (South Vietnamese Government) aware US role and may have considerable detail . . . ." (SAIG 0499, 8/31/63)

Deptel 243 and the VOA broadcast set the tone for later relations between the United States representatives and the generals. Big Minh, who had initial doubts about the strength of American support, grew in confidence.

C. The November 1963 Coup

American dissatisfaction with the Diem regime became increasingly apparent. On September 8, AID Director David Bell, in a television interview, stated that Congress might cut aid to South Vietnam if the Diem government did not change its course

(Pentagon Papers, p. 214). Lodge suggested a study to determine the most effective methods of cutting aid to topple the regime (Pentagon Papers, p. 214). On September 12, with White House approval, Senator Church introduced a resolution in the Senate condemning the South Vietnamese Government for its repressive handling of the Buddhist problem and calling for an end to United States aid unless the oppressive measures were curtailed (Pentagon Papers, pp. 214-215).

In mid-September 1963, two proposals for dealing with Diem were considered by the Administration. The first contemplated increasingly severe pressure to bring Diem in line with American policy; the second involved acquiescing in Diem's actions, recognizing that Diem and Nhu were inseparable, and attempting to salvage as much as possible. It was decided to adopt the first proposal, and to send Secretary of Defense McNamara and General Taylor on a fact-finding mission to Vietnam. (Pentagon Papers, p. 215.)

On October 2, McNamara and Taylor returned to Washington and presented their findings to the National Security Council. Their report confirmed that the military effort was progressing favorably, but warned of the dangers inherent in the political turmoil and recommended bringing pressure against Diem. This pressure would include announcing the withdrawal of 1,000 American troops by the end of the year, ending support for the forces responsible for the pagoda raids, and continuing Lodge's policy of remaining aloof from the regime. The report recommended

against a coup, but suggested that alternative leadership should be identified and cultivated. The recommendations were promptly approved by the President. (Pentagon Papers, pp.215-216)

On October 3 Conein contacted Minh. Minh explained that a coup was being planned, and requested assurances of American support if it were successful. Minh outlined three courses of action, one of which was the assassination of Diem's brothers, Nhu and Can (Conein, p.25; cable, Saigon to Director, 10/5/63).* The Acting Chief of the CIA Station, David R. Smith, cabled on October 5 that he had recommended to Lodge that "we do not set ourselves irrevocably against the assassination plot, since the other two alternatives mean either a blood bath in Saigon or a protracted struggle" (Cable, Saigon to Director, 10/5/63).

A cable from the Director, CIA to Saigon responded that:

> "(w)e certainly cannot be in the position of stimulating, approving, or supporting assassination, but on the other hand, we are in no way responsible for stopping every such threat of which we might receive even partial knowledge. We certainly would not favor assassination of Diem. We believe engaging ourselves by taking position on this matter opens door too easily for probes of our position re others, re support of regime, et cetera. Consequently believe best approach is hands off. However, we naturally interested in intelligence on any such plan."**

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* The other courses of action were the encirclement of Saigon by various military units and direct confrontation between military units involved in the coup and loyalist units.

** Colby, who was then Chief, Far Eastern Division, drafted this cable for McCone. Colby testified:

> "Q: So you were on notice as of that date that the Director personally opposed any involvement by the CIA in an assassination?
>
> "Colby: I certainly was." (Colby, p. 57)

McCone testified that he met privately with the President and the Attorney General, taking the position that "our role was to assemble all information on intelligence as to what was going on and to report it to the appropriate authorities, but to not attempt to direct it" (McCone, p. 62). He believed the United States should maintain a "hands off attitude" (McCone, p. 62). McCone testified:

> "I felt that the President agreed with my position, despite the fact that he had great reservations concerning Diem and his conduct. I urged him to try to bring all the pressure we could on Diem to change his ways, to encourage more support throughout the country. My precise words to the President, and I remember them very clearly, was that Mr. President, if I was manager of a baseball team, I had one pitcher, I'd keep him in the box whether he was a good pitcher or not. By that I was saying that, if Diem was removed we would have not one coup but we would have a succession of coups and political disorder in Vietnam and it might last several years and indeed it did." (McCone, pp. 62-63.)

McCone stated that he did not discuss assassination with the President, but rather "whether we should let the coup go or use our influences not to". He left the meeting believing that the President agreed with his "hands off" recommendation (McCone, pp. 62-63). McCone cabled Smith on October 6:

> "McCone directs that you withdraw recommendation to ambassador (concerning assassination plan) under McCone instructions, as we cannot be in position actively condoning such course of action and thereby engaging our responsibility therefore" (CIA to Saigon, DIR 73661, 10/6/63).

In response, the CIA Station in Saigon cabled headquarters:

> "Action taken as directed. In addition, since DCM Trueheart was also present when original recommendation was made, specific withdrawal of recommendation at McCone's instruction was also conveyed to Trueheart. Ambassador Lodge commented that he shares McCone's opinion." (Saigon to CIA, SAIG 1463, 10/7/63)

Conein, the CIA official who dealt directly with the Generals,* testified that he was first told of McCone's response to the assassination alternative by Ambassador Lodge around October 20 (Conein, p. 35). Conein testified (but did not so indicate in his detailed After-Action Report) that he then told General Don that the United States opposed assassination, and that the General responded, "alright, you don't like it, we won't talk about it anymore" (Conein, p. 36).

The United States increased pressure on Diem to mend his ways. On October 17, General Richard Stillwell (MACV J-3) informed Secretary Thuan that the United States was suspending aid to the special forces units responsible for the pagoda raids until they were transferred to the field and placed under Joint General Staff (JGS) command (Pentagon Papers, p. 217). On October 27, Lodge traveled to Dalat with Diem, but did not receive any commitment from Diem to comply with American requests (Pentagon Papers, p. 219).

On October 28, Conein met with General Don, who had received assurance from Lodge that Conein spoke for the United States. Don said that he would make the plans for the coup

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* Conein described his role as follows:

"My job was to convey the orders from my Ambassador and the instructions from my Ambassador to the people who were planning the coup, to monitor those individuals who were planning the coup, to get as much information so that our government would not be caught with their pants down" (Conein, pp. 38-39).

available to the Ambassador four hours before it took place, and suggested that Lodge not change his plans to go to the United States on October 31. (I.G., C, p. 37; Pentagon Papers, p. 219.)

On October 30, Lodge reported to Washington that he was powerless to stop the coup, and that the matter was entirely in Vietnamese hands. General Harkins disagreed and cabled his opposition to the coup to General Taylor (Pentagon Papers, p. 220). A cable from Bundy to Lodge dated October 30 expressed White House concern and stated that "[w]e cannot accept conclusion that we have no power to delay or discourage a coup" (Cable, Bundy to Lodge, 10/30/63). A subsequent cable on that same day from Washington instructed Lodge to intercede with the Generals to call off the coup if he did not believe it would succeed. The instructions prescribed "strict noninvolvement and somewhat less strict neutrality". (Pentagon Papers, p. 220.)

Late in the morning of November 1, the first units involved in the coup began to deploy around Saigon. The Embassy was given only four minutes' warning before the coup began (MACV cable to Joint Chiefs of Staff 8512, 11/1/63).. An aide to Don told Conein to bring all available money to the Joint General Staff headquarters. Conein brought 3 million piasters (Approximately $42,000) to the headquarters, which was given to Don to procure food for his troops and to pay death benefits

to those killed in the coup (Conein, 6/20, p. 72).*

Conein was at the Joint General Staff Headquarters during most of the coup (I.G., C, pp. 41-42). At 1:40 p.m., the Generals proposed that Diem resign immediately, and guaranteed him and Nhu safe departure (Conein After-Action Report, p. 15). The palace was surrounded shortly afterwards, and at 4:30 p.m. the Generals announced the coup on the radio and demanded the resignation of Diem and Nhu. Diem called Lodge and inquired about the United States' position. Lodge responded that the United States did not yet have a view, and expressed concern for Diem's safety (Pentagon Papers, p. 221).

According to Conein's report, Minh told Nhu that if he and Diem did not resign within five minutes, the palace would be bombed. Minh then phoned Diem. Diem refused to talk with him and Minh ordered the bombing of the palace. Troops moved in on the palace, but Diem still refused to capitulate. Minh offered Diem a second chance to surrender half an hour later, telling him that if he refused he would be "blasted off of the earth". Shortly before nightfall an air assault was launched on the Presidential Guard barracks. (Conein After-Action Report, pp. 17-18.)

At 6:20 on the morning of November 2, Diem called General

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* CIA had apparently considered passing money to the coup leaders in early October (Colby, 6/20, p. 21). On October 29, Lodge calbed that a request for funds should be anticipated (Lodge to State, No. 2040, 10/29/63; and 2063, 10/30/63). Conein received the money on October 24, and kept it in a safe in his house.

Don at the Joint General Staff headquarters and offered to surrender if he and Nhu were given safe conduct to an airport. Shortly afterwards, Diem offered to surrender unconditionally and ordered the Presidential Guard to cease firing. According to Conein, an escort for Diem appeared in front of the palace at 8:00 a.m., but Diem and Nhu were not present (Conein After-Action Report, p. 24).

At 10:30 a.m. the bodies of Diem and Nhu were reported to be at the Joint General Chiefs' headquarters. Conein declined to view the bodies because he feared that doing so might damage United States interests (Conein, p. 57).

The details of Diem's and Nhu's deaths are not known.*

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* Conein specualted that Diem and Nhu escaped through a tunnel from the palace and fled to a Catholic Church in Chalon. He opined that an informant must have identified them and called the General Staff Headquarters (Conein After-Action Report, p. 23). Another CIA source states that Diem and Nhu had left the palace the previous evening with a Chinese businessman and arrived at the church at 8:00 on the morning of November 2. Ten minutes later they were picked up by soldiers and forced into an army vehicle (Cable, Saigon to State, No. 888). Minh originally told Conein that Diem and Nhu had committed suicide, but Conein doubted that Catholics would have taken their own lives in a church (Conein, p. 56). The Inspector General's Report states that on November 16, 1963, a field-grade officer of unknown reliability gave the CIA two photographs of the bodies of Diem and Nhu in which it appeared their hands were tied behind their backs (I.G., C, pp. 43-44). The source reported that Diem and Nhu had been shot and stabbed while being conveyed to the Joint General Staff headquarters.

None of the informed sources give any indication of direct or indirect involvement of the United States.*

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* It must be noted that on October 30, 1963, Ambassador Lodge notified Washington that there might be a request by ked leaders for evacuation, and suggested Saipan as a point for evacuation (Saigon Station Cable No. 2036, 10/30/63). Conein was charged with obraining the airplane. Between 6:00 and 7:00 on the morning of November 2, Minh and Don asked Conein to procure an aircraft. Conein relayed the request to David Smith, Acting Chief of Station at the Embassy, who replied that it would not be possible to get an aircraft for the next twenty-four hours, since it would have to be flown from Guam. Conein testified that Smith told him that Diem could be flown only to a country that offered him asylum and that the plane could not land in any other country. There were no aircraft immediately available that had sufficient range to reach a potential country of asylum (Conein, p. 54).

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Approved, Drafting Subcommittee, 10/8/75 (Lumumba sections open to possible reconsideration)

IV. Findings and Conclusions

In evaluating the evidence and arriving at findings and conclusions, the Committee has been guided by the following standards. We believe these standards to be appropriate to the constitutional duty of a Congressional committee.

1. The Committee is not a court. Its primary role is not to determine individual guilt or innocence, but rather to draw upon the experiences of the past to better propose guidance for the future.

2. It is necessary to be cautious in reaching conclusions because of the amount of time that has passed since the events reviewed in this report, the inability of three Presidents and many other key figures to speak for themselves, the conflicting and ambiguous nature of much of the evidence, and the problems in assessing the weight to be given to particular documents and testimony.

3. The Committee has tried to be fair to the persons involved in the events under examination while at the same time responding to a need to understand the facts in sufficient detail to lay a basis for informed recommendations.

With these standards in mind, the Committee has arrived at the following findings and conclusions.

A. Findings Concerning the Plots Themselves

1. Officials of the United States Government Initiated Plots to Assassinate Fidel Castro and Patrice Lumumba

The Committee finds that officials of the United States Government initiated and participated in plots to assassinate Patrice Lumumba and Fidel Castro.

The plot to kill Lumumba was conceived in the latter half of 1960 by officials of the United States Government, and quickly advanced to the point of sending poisons to the Congo to be used for the assassination.

The effort to assassinate Castro began in 1960 and continued until 1965. The plans to assassinate Castro using poison cigars, exploding seashells, and a contaminated diving suit did not advance beyond the laboratory phase. The plot involving underworld figures reached the stage of producing poison pills, establishing the contacts necessary to send them into Cuba, procuring potential assassins within Cuba, and, according to one witness, delivering the pills to the island itself. In the 1960 plot involving a Cuban pilot and in the AM/LASH episode from 1963-1965, the CIA gave active support and encouragement to Cubans whose intent to assassinate Castro was known, and provided the means for carrying out the assassination.

2. <u>No Foreign Leaders Were Killed As a Result of Assassination Plots Initiated by Officials of the United States</u>

The poisons intended for use against Patrice Lumumba were never administered to him, and there is no evidence that the United States was in any way involved in Lumumba's death at the hands of his Congolese enemies. The effort to assassinate Castro failed.

3. <u>American Officials Encouraged or Were Privy to Coup Plots Which Resulted in the Death of Trujillo, Diem, and Schneider</u>

American officials clearly desired the overthrow of Trujillo, offered both encouragement and guns to local dissidents attempting his overthrow, and supplied them with pistols and rifles.

American officials offered encouragement to the Vietnamese generals who plotted Diem's overthrow, and a CIA official in Vietnam gave the generals money after the coup had begun. However, Diem's assassination was neither desired nor suggested by officials of the United States.

The record reveals that the United States officials offered encouragement to the Chilean dissidents who plotted the kidnapping of General Rene Schneider, but did not desire or encourage his death. Certain high officials did know that the dissidents planned to kidnap General Schneider.

As Director Colby testified before the Committee, the death of a foreign leader is a risk forseeable in any coup attempt. In the cases we have considered, the risk of death was known in varying degrees. It was widely known that the dissidents in the Dominican Republic intended to assassinate Trujillo; the contemplation of coup leaders to assassinate Nhu, President Diem's brother, was communicated to the upper levels of the United States Government; while the CIA and perhaps the White House knew that the coup leaders in Chile planned to kidnap General Schneider, it was not anticipated that he would be killed, although the possibility of his death should have been recognized as a forseeable risk of his kidnapping.

4. <u>The Plots Occurred in a Cold War Atmosphere Perceived to be of Crisis Proportions</u>

The Committee fully appreciates the importance of evaluating the assassination plots in the historical context within which they occurred. In the preface to this report, we described the perception, generally shared within the United States during the depths of the Cold War, that the country faced a monolithic enemy in Communism. That attitude helps explain the assassination plots which we have reviewed, although it does not justify them. Those involved nevertheless appeared to believe they were advancing the best interests of their country.

5. American Officials Had Exaggerated Notions About Their Ability to Control the Actions of Coup Leaders

Running throughout the cases considered in this report was the expectation of American officials that they could control the actions of dissident groups which they were supporting in foreign countries. Events demonstrated that the United States had no such power. This point is graphically demonstrated by cables exchanged shortly before the coup in Vietnam. Ambassador Lodge cabled Washington on October 30, 1963, that he was unable to halt a coup; a cable from Bundy in response stated that "We cannot accept conclusion that we have no power to delay or discourage a coup." The coup took place three days later.

Shortly after the experience of the Bay of Pigs, CIA headquarters requested operatives in the Dominican Republic to tell the dissidents to "turn off" the assassination attempt, because the United States was not prepared to "cope with the aftermath." The dissidents replied that the assassination was their affair and that it could not be turned off to suit the convenience of the United States Government.

6. CIA Officials Made Use of Known Underworld Figures in Assassination Efforts

Officials of the CIA made use of persons associated with the criminal underworld in attempting to achieve the assassination of Fidel Castro. These underworld figures were relied upon because it was believed that they had expertise and contacts that were not available to law-abiding citizens.

Foreign citizens with criminal backgrounds were also used by the CIA in two other cases that we have reviewed. In the development of the Executive Action capability, one foreign national with a criminal background was used to "spot" other members of the European underworld who might be used by the CIA for a variety of purposes, including assassination if the need should arise. In the Lumumba case, two men with criminal backgrounds were used as field operatives by CIA officers in a volatile political situation in the Congo.

B. Conclusions Concerning the Plots Themselves

1. The United States Should Not Engage in Assassination

We cannot condone the use of assassination as a tool of foreign policy. Aside from pragmatic arguments against the use of assassination supplied to the Committee by witnesses with extensive experience in covert operations, we find that assassination violates moral precepts fundamental to our way of life.

In addition to considerations, there were several practical reasons advanced for not assassinating foreign leaders. These reasons are discussed in the section of this report recommending a statute making assassination a crime.

a. Distinction Between Targeted Assassinations Instigated by the United States and Support for Dissidents Seeking to Overthrow Local Governments

Two of the five principal cases investigated by the Committee involved plots to kill foreign leaders (Lumumba and Castro) that were instigated by American officials. Three of the cases (Trujillo, Diem, Schneider) involved killings in the course of coup attempts by local dissidents. These latter cases differed in the degree to which assassination was contemplated by the leaders of the coups and the degree to which United States officials motivated the coups.

The Committee concludes that targeted assassinations instigated by the United States must be prohibited.

Coups involve varying degrees of risk of assassination. The possibility of assassination in coup attempts raises questions concerning the propriety of United States involvement in coups, particularly in those where the assassination of a foreign leader is a likely prospect.

This country was created by violent revolt against a regime believed to be tyrannous, and our founding fathers (the local dissidents of that era) received aid from foreign countries. Given that history, we should not today rule out support for dissident groups seeking to overthrow tyrants. But passing beyond that principle, there remain serious questions: for example, whether the national interest of the United States is genuinely involved; whether any such support should be overt rather than covert; what tactics should be used; and how such actions should be authorized and controlled by the coordinate branches of government. The Committee believes that its recommendation on the question of covert actions--in support of coups must await the Committee's final report which will be issued after a full review of covert action in general.

b. The Setting In Which the Assassination Plots Occurred Explains, But Does Not Justify Them

The Cold War setting in which the assassination plots took place does not change our view that assassination is unacceptable in our society. In addition to the moral and practical problems discussed elsewhere, we find two principal defects in any contention that the tenor of the period justified the assassination plots:

First, the assassination plots were not necessitated by imminent danger to the United States. Among the cases studied, Castro alone posed a threat to the United States, but then only during the period of the Cuban missile crisis. Castro's assassination had been planned by the CIA long before that crisis, and was not advanced by policymakers as a possible course of action during the crisis.

Second, we reject absolutely any notion that the United States should justify its actions by the standards of totalitarians. Our standards must be higher, and this difference is what the struggle is all about. Of course, we must defend our democracy. But in defending it, we must resist undermining the very virtues we are defending.

Two documents which have been supplied to the Committee graphically demonstrate attitudes which can lead to tactics that erode and could ultimately destroy the very ideals we must defend.

The first was written in 1954 by a special committee formed to advise the President on covert activities. The United States may, it said, have to adopt tactics "more ruthless than [those] employed by the enemy" in order to meet the threat from hostile nations. The report concluded that "long standing American concepts of American fair play must be reconsidered."*

Although those proposals did not involve assassinations, the attitudes underlying them were, as Director Colby testified, indicative of the setting within which the assassination plots were conceived. (Colby, 6/4/75, p. 117)

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* The full text of the passage is as follows:

> . . . another important requirement is an aggressive covert psychological, political, and paramilitary organization far more effective, more unique, and, if necessary, more ruthless than that employed by the enemy. No one should be permitted to stand in the way of the prompt, efficient, and secure accomplishment of this mission.
>
> The second consideration, it is now clear that we are facing an implacable enemy whose avowed objective is world domination by whatever means at whatever cost. There are no rules in such a game. Hitherto acceptable norms of human conduct do not apply. If the U. S. is to survive, long standing American concepts of American fair play must be reconsidered.

We do not think that traditional American notions of fair play need be abandoned when dealing with our adversaries. It may well be ourselves that we injure most if we adopt tactics "more ruthless than the enemy".

A second document which represents an attitude which we find improper was sent to the Congo in the fall of 1960 when the assassination of Patrice Lumumba was being considered. The chief of CIA's Africa Division recommended a particular agent -- WIROGUE -- because

> He is indeed aware of the precepts of right and wrong, but if he is given an assignment which may be morally wrong in the eyes of the world, but necessary because his case officer ordered him to carry it out, then it is right, and he will dutifully undertake appropriate action for its execution without pangs of conscience. In a word, he can rationalize all actions. (Memo dated / /60; Bissell Tr., 6/11/75, p.)

The Committee finds this philosophy is not in keeping with the ideals of our nation.

2. <u>The United States Should Not Make Use of Underworld Figures for Their Criminal Talents</u>

We conclude that agencies of the United States must not use underworld figures for their criminal talents* in carrying out their operations. In addition to the corrosive effect

*Pending our investigation of the use of informants by the FBI and other agencies, we reserve judgment on the use of known criminals as informants. We are concerned here only with the use of persons known to be actively engaged in criminal pursuits for their expertise in carrying out criminal acts.

upon our government,* the use of underworld figures involves the following dangers:

a. The use of underworld figures for "dirty business" gives them the power to blackmail the government and to avoid prosecution, for past or future crimes. For example, the figures involved in the Castro assassination operation used their involvement with the CIA to avoid prosecution. The CIA also contemplated attempting to quash criminal charges against QJWIN in a foreign tribunal.

b. The use of persons experienced in criminal techniques and prone to criminal behavior increases the likelihood that criminal acts will occur. Agents in the field are necessarily given broad discretion. But the risk of improper activities is increased when persons of criminal background are used, particularly when they are selected precisely to take advantage of their criminal skills or contacts.

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*The corrosive effect of dealing with underworld figures is graphically demonstrated by the fact that Attorney General Robert Kennedy, who had devoted much of his professional life to fighting organized crime, did not issue an order against cooperating with such persons when he learned in May 1961 that the CIA had made use of Sam Giancana in a sensitive operation in Cuba.

In May 1962, when the Attorney General learned that the operation had involved assassination, he did, according to a CIA witness, inform those briefing him that underworld figures should not be used before checking with him first, but failed to direct that they must never be used.

c. There is the danger that the United States Government will become an unwitting accomplice to criminal acts and that criminal figures will take advantage of their association with the government to advance their own projects and interests.

d. There is a fundamental impropriety in selecting persons because they are skilled at performing deeds which the laws of our society forbid.

The use of underworld figures by the United States Government for their criminal skills raises moral problems comparable to those recognized by Justice Brandeis in a different context five decades ago:

> Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself. To declare that in the administration of the criminal law the end justifies the means -- to declare that the Government may commit crimes in order to secure the conviction of the private criminal -- would bring terrible retribution. Against this pernicious doctrine this Court should resolutely set its face. Olmstead v. U. S., 277 U.S. 439, 485 (1927)

C. Findings and Conclusions Relating to the Issues of Authorization and Control

In the introduction to this report, we set forth in summary form our major conclusions concerning whether the assassination plots were authorized. The ensuing discussion elaborates and explains those conclusions.

The Committee analyzed the question of authorization for the assassination activities from two perspectives. First, the Committee examined whether officials in policymaking positions authorized or were aware of the assassination activities. Second, the Committee inquired whether the officials responsible for the operational details of the plots perceived that assassination had the approval of their superiors, or at least was the type of activity that their superiors would not disapprove.

No doubt, the CIA's general efforts against the regimes discussed in this report were authorized at the highest levels of the government. But the record leaves serious

doubt concerning whether assassination was authorized by the Administrations. Even if the plots were not expressly authorized, it does not follow that the Agency personnel believed they were acting improperly.

1. <u>The Command and Control System for Assassinations Was Such That the Plots Could Have Been Undertaken Without Express Authorization</u>

As emphasized throughout this report, we are unable to draw firm conclusions concerning responsibility for the assassination plots. Even after our long investigation, it is unclear whether the conflicting and inconclusive state of the evidence is due to the system of plausible denial and its attendant doctrines, or whether there were in fact serious shortcomings in the system of authorization which made it possible for assassination efforts to have been undertaken by agencies of the United States Government without express authority from officials outside of those agencies.

Our preeminent finding is that assassination could have been undertaken by an agency of the United States Government without it having been uncontrovertibly clear that there was

explicit authorization from the highest level. The command and control system revealed by the record made it possible for the CIA to have engaged in assassination activities without express authorization by officials outside the Agency.

The ambiguity and imprecision in the record illustrates the dangers of a "plausible denial" system in which the precise level of authorization may be difficult to ascertain. While there is no evidence that the "plausible denial" system has succeeded in shielding decision makers in the cases considered in this report, the possibility that a system exists which might permit those responsible for authorizing major operations to escape responsibility is disturbing. Responsible government requires that public officials be held accountable for their decisions.

2. <u>Findings Relating to the Level at Which the Plots Were Authorized</u>

a. <u>Diem</u>

We find that neither the President nor any other official in the United States Government authorized the assassination of Diem and his brother Nhu. Both the DCI and top State Department officials did know, however, that the death of Nhu at least at one point had been contemplated by the coup leaders. To the contrary, when the possibility that the coup leaders were considering assassination was brought to the

attention of the DCI, he directed that the United States would have no part in such activity, and this information was relayed to the coup leaders.

b. Schneider

We find that neither the President nor any other official in the United States Government authorized the assassination of General Rene Schneider. The CIA, and perhaps the White House, did know that coup leaders contemplated kidnapping, which, as it turned out, resulted in Schneider's death.

c. Trujillo

The Presidents and other senior officials in the Eisenhower and Kennedy Administrations sought the overthrow of Trujillo and approved general actions to obtain that end.

The DCI and the Assistant Secretary of State for Inter-American Affairs knew that the Dominican dissidents intended to assassinate Trujillo, but the date at which the dissidents' intent to assassinate was communicated to higher levels of the government responsible for formulating policy is less clear. The record does establish that in the Spring of 1961 senior American officials, including the President, learned that the dissidents intended to assassinate Trujillo and that they desired machine guns for that purpose. The Special Group disapproved passage of those weapons and the President himself, in a telegram, reaffirmed that decision, indicating that the

United States "as [a] matter of general policy cannot condone assassination", although he did state that if the coup succeeded, the United States would support the plotters.

d. Lumumba

The chain of events revealed by the documents and testimony is strong enough to permit a reasonable inference that the assassination plot was authorized by the President. It is absolutely clear that Allen Dulles authorized the plot.

The juxtaposition of discussions concerning "disposing of" Lumumba and taking "straightforward action" against him at NSC and Special Group meetings with Dulles' cable to the Congo, Bissell's representation to Gottlieb about "highest authority", and the delivery of poison to the Congo can be read to support an inference that the President and the Special Group urged the assassination of Lumumba.

Robert Johnson's testimony that he understood the President to have ordered Lumumba's assassination at an NSC meeting does, as he said, offer a "clue" about Presidential authorization which, however, should be read in light of the uncertain record of the meetings Johnson attended and the contrary testimony of others in attendance at the meetings, including the President's national security advisors. The fact that both the Chief of Station and Gottlieb were under the impression that there was Presidential authorization for the assassination of Lumumba is not in itself direct evidence of such authorization because

this impression was derived solely from Gottlieb's meetings with Bissell and Tweedy. Neither Gottlieb nor the Chief of Station had first-hand knowledge of Allen Dulles' statements about Presidential authorization. Richard Bissell assumed that such authorization had been conveyed to him by Dulles, but Bissell had no specific recollection of any event when this occurred.

The evidence leads us to conclude that DDP Bissell and DCI Dulles knew about and authorized the plot to assassinate Lumumba. However, we are unable to make a finding that President Eisenhower intentionally authorized an assassination effort against Lumumba because of the lack of absolute certainty in the evidence.

e. Castro

There was no evidence from which the Committee could conclude that Presidents Eisenhower, Kennedy, or Johnson, their close advisors, or the Special Group authorized the assassination of Castro.

We find that the effort against Castro was clearly authorized through the level of DDP. It is not certain whether Allen Dulles knew about the plots, although Bissell and Edwards were of the opinion that he did, and the credibility of their beliefs is buttressed by the fact that Dulles knew about the Lumumba assassination plot, which was planned and attempted at the time of the early Castro plots. We can find no evidence that McCone was aware of the plots which occurred during his tenure. His DDP, Richard Helms, testified that he never discussed the subject with McCone and was never expressly authorized by anyone to assassinate Castro.

The only suggestion of express Presidential authorization for the plots against Castro was Richard Bissell's opinion that Dulles would have circumlocutiously informed Presidents Eisenhower and Kennedy after the assassination had been planned and was underway. The assumptions underlying this opinion are too attenuated for the Committee to adopt it as a finding.

First, it assumes that Dulles himself knew of the plots, a matter which is not certain. Second, it assumes that Dulles went privately to the two Presidents--a course of action which Helms, who had far more covert action experience than Bissell, testified was precisely what the doctrine of plausible denial forbade CIA officials from doing. Third, it necessarily assumes that the Presidents would understand from a "circumlocutious" description that assassination was being discussed.

The chain of assumptions is far too speculative for the Committee to make findings inplicating Presidents who are not able to speak for themselves. Moreover, it is inconsistent with Bissell's other testimony that "formal and explicit" approval would be required for assassination,* and contrary to the testimony of all the Presidential advisors, the men closest to both Eisenhower and Kennedy.

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* If the evidence concerning President Eisenhower's order to assassinate Lumumba is correct, it should be weighed against Bissell's testimony concerning circumlocutious briefings of the Presidents in the Castro case. First, the Lumumba case would imply that President Eisenhower and Dulles did discuss such matters bluntly and not circumlocutiously. Second, the Lumumba example indicates that the President would discuss such matters openly in an appropriate forum, and would not need to be approached privately. Third, it can be inferred from Bissell's testimony in the Castro case that if President Eisenhower had told Dulles that he approved of the plot, Dulles would not have told anyone else of that fact. Yet Gottlieb's testimony in the Lumumba case states that he had been told of Presidential authorization for assassination by Bissell, who in turn assumed he was told by Dulles.

Helms and McCone testified that the Presidents under which they served never asked them to consider assassination.

There was no evidence whatsoever that President Johnson knew about or authorized any assassination activity during his Presidency.

3. <u>CIA Officials Involved in the Assassination Operations Perceived Assassination To Have Been A Permissible Course of Action</u>

The CIA officials involved in the targeted assassination attempts testified that they had believed that their activities had been fully authorized.*

In the case of the Lumumba assassination operation, Richard Bissell testified that he had no direct recollection of authorization, but after having reviewed the cables and Special Group minutes, testified that authority must have flowed from Dulles through him to the subordinate levels in the Agency.

In the case of the assassination effort against Castro, Bissell and Sheffield Edwards testified they believed the operation involving underworld figures had been authorized by Dulles when they briefed him shortly after the plot had been initiated. William Harvey testified he believed that the

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* The lower level operatives, such as O'Connell and the AM/LASH case officers, are not discussed in this section, since they had clear orders from their immediate superiors.

plots "were completely authorized at every appropriate level within and beyond the Agency", although he had "no personal knowledge whatever of the individuals' identities, times, exact words, or channels through which such authority may have passed". Harvey stated that he had been told by Richard Bissell that the effort against Castro had been authorized "from the highest level", and that Harvey had discussed the plots with Richard Helms, his immediate superior. Helms testified that although he had never discussed assassination with his superiors, he believed:

> ". . . that in these actions we were taking against Cuba and against Fidel Castro's government in Cuba, that they were what we had been asked to do. . . . In other words we had been asked to get rid of Castro and . . . there were no limitations put on the means, and we felt we were acting well within the guidelines that we understood to be in play at this particular time.

The evidence points to a disturbing situation. Agency officials perceived the effort to assassinate Castro to have been within the parameters of permissible action, but Administration officials (including McCone) responsible for formulating policy were not aware of the effort and did not authorize it. The explanation may lie in the fact that orders concerning overthrowing the Castro regime were stated in broad terms that were subject to differing interpretations by those responsible for carrying out those orders.

The various Presidents and their senior advisors

strongly opposed the regimes of Castro and Trujillo, the accession to power of Allende, and the potential influence of Patrice Lumumba. Orders concerning action against those foreign leaders were given in vigorous language. For example, President Nixon's orders to prevent Allende from assuming power left Helms feeling that "if I ever carried a marshall's baton in my knapsack out of the oval office, it was that day." Similarly, General Lansdale described the Mongoose effort against Cuba as "a combat situation", and Attorney General Kennedy emphasized that "a solution to the Cuban problem today carries top priority". Helms testified that the pressure to "get rid of [Castro and the Castro regime]" was intense, and Bissell testified that he had been ordered to "get off your ass about Cuba".

It is possible that there was a failure of communication between policymakers and the agency personnel who were experienced in secret, and often violent, action. Although policymakers testified that assassination was not intended by such words as "get rid of Castro", some of their subordinates in the Agency testified that they perceived that assassination was desired and that they should proceed without troubling their superiors.

The 1967 Inspector General's Report on assassinations appropriately observed:

> The point is that of frequent resort to synechdoche -- the mention of a part when the whole is to be understood, or vice versa. Thus, we encounter repeated references to phrases such as "disposing of Castro", which may be read in the narrow, literal sense of assassinating him, when it is intended that it be read in the broader, figurative sense of dislodging the Castro regime. Reversing the coin, we find people speaking vaguely of "doing something about Castro" when it is clear that what they have specifically in mind is killing him. In a situation wherein those speaking may not have actually meant what they seemed to say or may not have said what they actually meant, they should not be surprised if their oral shorthand is interpreted differently than was intended.

Differing perceptions between superiors and their subordinates were graphically illustrated in the Castro context.* McCone, in a memorandum dated April 14, 1967, reflected as follows:

> Through the years the Cuban problem was discussed in terms such as "dispose of Castro", "remove Castro", "knock off Castro", etc., and this meant the overthrow of the Communist government in Cuba and the replacing of it with a democratic regime. Terms such as the above appear in many working papers, memoranda for the record, etc., and, as stated, all refer to a change in the Cuban government.

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* "Senator Mathias: Let me draw an example from history. When Thomas A'Beckett was proving to be an annoyance, as Castro, the King said, 'who will rid me of this turbulent priest?'. He didn't say, 'go out and murder him'. He said, 'who will rid me of this man', and let it go at that.

"Mr. Helms: That is a warming reference to the problem.

"Senator Mathias: You feel that spans the generations and the centuries?

"Mr. Helms: I think it does, sir.

"Senator Mathias: And that is typical of the kind of thing which might be said, which might be taken by the

Helms, who had considerable experience as a covert operator, gave precisely the opposite meaning to the same words, interpreting them as conveying authority for assassination.

Helms repeatedly testified that he felt that explicit authorization was unnecessary for the assassination of Castro in the early 1960's, but he said he did not construe the intense pressure from President Nixon in 1970 as providing authority to assassinate anyone. As Helms testified, the difference was not that the pressure to prevent Allende from assuming office was any less than the pressure to remove the Castro regime, but rather that "I had already made up my mind that we weren't going to have any of that business when I was Director."

Certain CIA contemporaries of Helms who were subjected to similar pressures in the Castro case rejected the thesis that implicit authority to assassinate Castro derived from the strong language of the policymakers. Bissell testified that he had believed that "formal and explicit approval" would be required for assassination, and McManus testified

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director or by anybody else as presidential authorization to go forward?

"Mr. Helms: That is right. But in answer to that, I realize that one sort of grows up in tradition of the time and I think that any of us would have found it very difficult to discuss assassinations with a President of the U.S. I just think we all had the feeling that we were hired out to keep those things out of the oval office."

that "it never occurred to me" that the vigorous words of the Attorney General could be taken as authorizing assassination. The differing perceptions may have resulted from their different backgrounds and training. Neither Bissell (an academician whose Agency career for the six years before he became DDP had been in the field of technology) nor McManus (who had concentrated on intelligence and staff work) were experienced in covert operations.*

The perception of certain Agency officials that assassination was within the range of permissible activity was reinforced by the continuing approval of violent covert actions against Cuba that were sanctioned at the Presidential level and by the failure of the successive administrations to make clear that assassination was not permissible. This point is one of the subjects considered in the next section.

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* Of course, this analysis cannot be carried too far. In the Lumumba case, for example, Johnson and Dillon, who were Administration officials with no covert operation experience, construed remarks as urging or permitting assassination, while other persons who were not in the Agency did not so interpret them.

TOP SECRET

4. The Failure In Communication Between Agency Officials In Charge Of The Assassination Operations And Their Superiors In The Agency And In The Administration Was Due To:

(a) The Failure of Subordinates To Disclose The Operations To Their Superiors; and

(b) The Failure of Superiors to Give Precise Orders Regarding the Nature of Permissable Operations and to Make Clear That Assassination Was Precluded in the Climate of Violence Engendered by the Aggressive Covert Actions Sanctioned by the Administrations.

While we cannot find that officials responsible for making policy decisions knew about or authorized the assassination attempts (with the possible exception of the Lumumba case), Agency operatives at least through the level of DDP nevertheless perceived assassination to have been permissible. This failure in communication was inexcusable in light of the gravity of assassination. The Committee finds that the failure of Agency officials to inform their superiors was reprehensible, and that the reasons that they offered for having neglected to inform their superiors are unacceptable. The Committee further finds that Administration officials failed to be sufficiently precise in their directions to the Agency and that their attitude toward the possibility of assassination was ambiguous in the context of the violence of other activities that they did authorize.

(a) Agency Officials Failed On Several Occasions To Reveal The Plots To Their Superiors, Or To Do So With Sufficient Detail and Clarity

Several of the cases considered in this report raise questions concerning whether officials of the CIA sufficiently informed their superiors in the Agency or officials outside the Agency about their activities.

Castro

The failure of Agency officials to inform their superiors of the assassination efforts against Castro is particularly troubling.

Richard Bissell testified that he and Sheffield Edwards told Allen Dulles only "circumlocutiously" and only after the project had begun about the operation which used members of the underworld. Both Bissell and his successor as DDP, Richard Helms, testified that they never discussed the operation with John McCone or any officials outside the CIA. The two officials directly responsible for the operation--Edwards and William Harvey--testified that they never discussed the operation with McCone or any Government official above the level of DDP. McCone testified that he was never consulted about the operation, and that Dulles never briefed him on its existence. On the basis of the testimony and documentary evidence before the Committee, it is uncertain whether Dulles

was ever made aware of the true nature of the underworld operation, and virtually certain that it continued into McCone's term without his or the Administration's knowledge or approval.

On the occasions when Richard Bissell had the opportunity to inform his superiors about the assassination effort against Castro, he either failed to inform them or misled them.

Bissell testified that he and Edwards told Dulles and Cabell about the assassination operation using underworld figures, but that they did so "circumlocutiously", and then only after contact had been made with the underworld and a price had been offered for Castro's death.

Bissell further testified that he never raised the issue of assassination with officials of either the Eisenhower or Kennedy Administration. His reason was that since he was under Dulles in the chain of command, he would normally have had no duty to discuss the matter with the Presidents or other Administration officials, and that he assumed that Dulles would have circumlocutiously spoken with Presidents Eisenhower and Kennedy about the operation. These reasons are insufficient. It was inexcusable to withhold such information from those responsible for formulating policy on the unverified assumption that they might have been circumlocutiously informed by Dulles, who

himself had not been straight-forwardly told about the operation.*

The failure to either inform those officials or to make certain that they had been informed by Dulles was particularly reprehensible in light of the fact that there were many occasions on which Bissell should have informed them, and his failure to do so was misleading. In the first weeks of the Kennedy Administration, Bissell met with Bundy and discussed the development of an assassination capability within CIA--executive action. But Bissell did not mention that an actual assassination attempt was underway. Bissell appeared before the Taylor-Kennedy Board of Inquiry which was formed to report to the President on the Bay of Pigs and the Cuban situation, but testified that he did not inform the Commission of the assassination operation. As chief of the CIA directorate concerned with clandestine operations and the Bay of Pigs, Bissell frequently met with officials in the Eisenhower and Kennedy Administrations to discuss Cuban operations, and his advice was frequently sought. He did not tell them that the CIA had undertaken an effort to assassinate Castro, and did not ask if they favored proceeding with the

* Even assuming that Bissell correctly perceived that Dulles understood the nature of the operation, it was inexcusable for Bissell not to have briefed Dulles in plain language. Further, even if one accepts Bissell's assumption that Dulles told the Presidents, they would have been told too late, because Bissell "guessed" they would have been told that the operation "had been planned and was being attempted".

effort. He was present at the meeting with Dulles and President Kennedy at which the new President was briefed on covert action in Cuba, but neither Dulles nor Bissell mentioned the assassination operation that was underway.

The failures to make forthright disclosures to policy-makers continued during the time that Richard Helms was DDP. Helms' failure to inform McCone about the underworld operation when it was reactivated under Harvey and poison pills were sent to Cuba was a grave error in judgment, and Helms' excuses are unpersuasive. In May of 1962, the Attorney General was told that the CIA's involvement in an assassination plot had terminated with the Bay of Pigs. Not only did Edwards, who had briefed the Attorney General, know that the operation had not been terminated, but Helms did not inform the Attorney General that the operation was still active when he learned that the Attorney General had been misled. Helms did not inform McCone of the plot until August 1962, and did so then in a manner which indicated that the plot had been terminated before McCone became Director. Helms' denial that AM/LASH had been involved in an assassination attempt in response to Secretary of State Rusk's inquiries was, as Helms testified, "not truthful".

When Helms briefed President Johnson on the Castro plots, he apparently described the activities that had occurred during prior administrations but did not describe the AM/LASH opera-

tion which had continued until 1965. Helms also failed to inform the Warren Commission of the plots because the precise question was not asked.

Helms told the Committee that he had never raised the assassination operation with McCone or Kennedy Administration officials because he had assumed that the project had been previously authorized, and that the aggressive character of the Kennedy Administration's program against the Castro regime made assassination permissible even in the absence of an express instruction. He added that he had never been convinced that the operation would succeed, and that he would have told McCone about it if he had ever believed that it would "go anyplace".

Helms' reasons for not having told his superiors about the assassination effort are unacceptable; indeed, many of them were reasons why he should have sought express authority. As Helms himself testified, assassination was of a high order of sensitivity. Administration policymakers, supported by intelligence estimates furnished by the Agency, had emphasized on several occasions that successors to Castro might be worse than Castro himself. In addition, the Special Group Augmented required that plans for covert actions against Cuba be submitted in detail for its approval. Although the Administration was exerting intense pressure on the CIA to do something about Castro and the Castro regime, it was a serious error to have

undertaken so drastic an operation without obtaining full and equivocal permission.

William Harvey, the officer in charge of the CIA's attempt using underworld figures to assassinate Castro, testified that he never discussed the plot with McCone or officials of the Kennedy Administration because he believed that it had been fully authorized by the previous Director, because he was uncertain whether it had a chance of succeeding, and because he believed that it was Helms', not his, duty to inform higher authorities.

Nonetheless, the Committee believes there were occasions on which it was incumbent on Harvey to have disclosed the assassination operation. As head of Task Force W, the branch of the CIA responsible for covert operations in Cuba, Harvey reported directly to General Lansdale and the Special Group Augmented. The Special Group Augmented had made known that covert operations in Cuba should be first approved by it, both by explicit instruction and by its practice that particular operations be submitted in "nauseating detail". Yet Harvey

did not inform either General Lansdale or the Special Group Augmented of the assassination operation, either when he was explicitly requested to report to McCone, General Taylor, and the Special Group on his activities in Miami in April 1962, or when the subject of assassination was raised in the August 1962 meeting and McCone voiced his disapproval.

The Committee finds that the reasons advanced for not having informed those responsible for formulating policy about the assassination operation were inadequate, misleading, and inconsistent. Some officials viewed assassination as too important and sensitive to discuss with superiors, while others considered it not sufficiently important. Harvey testified that it was premature to tell McCone about the underworld operation in April 1962, because it was not sufficiently advanced, but too late to tell him about it in August 1962, since by that time he had decided to terminate it. On other occasions, officials thought disclosure was someone else's responsibility; Bissell said he thought it was up to Dulles, Harvey believed it was up to Helms, but Helms remarked that Harvey "kept Phase II pretty much in his back pocket".

The Committee concludes that the failure clearly to inform policymakers of the assassination effort against Castro was grossly improper. The Committee believes that it should be incumbent upon the DDP to report such a sensitive operation to his superior, the DCI, no matter how grave his doubts might be about the possible outcome of the operation. It follows that the DCI has the same duty to accurately inform his superiors.

Trujillo

In the Trujillo case there were several instances in which it appears that policymakers were not given sufficient information, or were not informed in a timely fashion.

At a meeting on December 29, 1960, Bissell presented a plan to the Special Group for supporting Dominican exile groups and local dissidents, and stated that the plan would not bring down the regime without "some decisive stroke against Trujillo himself". At a meeting on January 12, 1961, the Special Group authorized the passage of "limited supplies of small arms and other material" to Dominican dissidents under certain conditions. At this time, the fact that the dissidents had been contemplating the assassination of Trujillo had been known in the State Department at the level of the Assistant Secretary of State for Inter-American Affairs, and by senior officials of the CIA, including the DCI. Yet the memorandum supplied to Under Secretary Merchant, which

was said to have been the basis upon which the Special Group agreed to the "limited supply" of small arms, did not mention assassination. To the contrary, it spoke of "sabotage potential" and stated that there "would be no thought of toppling the [government] by any such minor measure [as the supplying of small arms]."

On February 17, 1961, Richard Bissell sent a memorandum on the Dominican Republic to McGeorge Bundy. Bissell knew that the dissidents planned to assassinate Trujillo, but his memorandum did not mention assassination. It indicated that the dissidents' "plan of action" included arms for 300 men. Those involved agreed that support of this nature suggested a non-targeted paramilitary plan, not an assassination.

The passage of the carbines was approved by CIA headquarters on March 31, 1961. The State Department was apparently unaware of this passage for several weeks. The pouching of the machine guns was not disclosed outside the CIA.

The State Department official from whom the CIA sought permission to pass the machine guns stated that on "cross examination" the CIA official conceded that the purpose was assassination. The CIA official then agreed the United States should have nothing to do with assassination plots "anywhere, anytime", even though the previous day he and Bissell had signed a draft cable permitting the passage of the machine guns for use in connection with a planned assassination.

Schneider

The issue here is not whether the objectives of the CIA were contrary to those of the Administration. It is clear that President Nixon desired to prevent Allende from assuming office, even if that required fomenting and supporting a coup in Chile. Nor did White House officials suggest that tactics employed (including as a first step to kidnapping General Schneider) would have been unacceptable as a matter principle. Rather, the issue posed is whether White House officials were consulted, and thus given an opportunity to weigh such matters as risk and likelihood of success, and to apply policy-making judgments to particular tactics. The record indicates that up to October 15 they were; after October 15 there is some doubt.

The documentary record with respect to the disputed post-October 15 period gives rise to conflicting inferences. On the one hand, Karamessines' calendar shows existence of at least one White House contact in the critical period prior to the kidnapping of General Schneider on October 22. However, the absence of any substantive memoranda in CIA files--when contrasted with several such memoranda describing contacts with the White House between September 15 and October 15--may suggest a lack of significant communication on the part of the CIA as well as a lack of careful supervision on the part of the White House.

The standards applied within the CIA itself suggest a view that action which the Committee believes called for top-level policy discussion and decision was thought of as permissible, without any further consultation, on the basis of the initial instruction to prevent Allende from assuming power. Machine guns were sent to Chile and delivered to military figures there on the authority of junior CIA officers without consultation even with the CIA officer in charge of the program. We find no suggestion of bad faith in the action of the junior officers. But it necessarily establishes that there was no advance permission from outside the CIA for the passage of machine guns. And it also suggests an attitude within the CIA toward consultation which was unduly lax. Further, this case demonstrated the problems inherent in giving an agency a "blank check" to engage in covert operations without specifying which actions are and are not permissible, and without adequately supervising and monitoring these activities once begun.

(b) <u>On Occasion, Administration Officials Gave Vague Instructions to Subordinates and Failed to Make Sufficiently Clear That Assassination Should Be Excluded From Consideration.</u>

While we cannot find that high Administration officials expressly approved of the assassination attempts, we have noted that certain agency officials nevertheless perceived

assassination to have been authorized. Although those officials were remiss in not seeking express authorization for their activities, their superiors were also at fault for giving vague instructions and for not explicitly ruling out assassination. No written order prohibiting assassination was issued until 1972, and that order was an internal CIA directive issued by Director Helms.

Schneider

As explained above, there is no evidence that assassination was ever proposed as a method of carrying out the Presidential order to prevent Allende from assuming office. The Committee believes, however, that the granting of carte blanche authority to the CIA by the Executive in this case may have contributed to the tragic and unintended death of General Schneider. This was also partially due to impositing an impractical task to be accomplished within an unreasonably short time. Apart from the question of whether any intervention was justified under the circumstances of this case, the committee believes that the Executive in any event should have defined the limits of permissible action.

Lumumba

We are unable to make a finding that President Eisenhower intentionally authorized an assassination effort against Lumumba because of the lack of absolute certainty in the evidence. However, it appears that the

strong language used in discussions at the Special Group and NSC, as reflected in minutes of relevant meetings, led Dulles to believe that assassination was desired. The minutes contain language concerning the need to "dispose of" Lumumba, an "extremely strong feeling about the necessity for straight forward action", and a refusal to rule out any activity that might contribute to "getting rid of" Lumumba.

Castro

The effort to assassinate Fidel Castro took place in an atmosphere of extreme pressure by Eisenhower and Kennedy Administration officials to discredit and overthrow the Castro regime. Richard Helms recalled that:

> "I remember vividly [that the pressure] was very intense. And therefore, when you go into the record, you find a lot of nutty schemes there and those nutty schemes were borne of the intensity of the pressure. And we were quite frustrated."

Bissell recalled that:

> "During that entire period, the administration was extremely sensitive about the defeat that had been afflicted, as they felt, on the U.S. at the Bay of Pigs, and were pursuing every possible means of getting rid of Castro."

Another witness, Samuel Halpern, stated that sometime in the Fall of 1961 Bissell was

> "chewed out in the Cabinet Room in the White House by both the President and the Attorney General for, as he put it, sitting on his ass and not doing anything about getting rid of Castro and the Castro Regime."

General Lansdale informed the agencies cooperating in Operation

Mongoose that "you're in a combat situation where we have been given full command". Secretary of Defense McNamara confirmed that "we were hysterical about Castro at the time of the Bay of Pigs and thereafter".

Many of the plans that were discussed and often approved contemplated violent action against Cuba. The operation which resulted in the Bay of Pigs was a major paramilitary onslaught that had the approval of the highest government officials, including the two Presidents. Thereafter, Attorney General Kennedy vehemently exhorted the Special Group Augmented that "a solution to the Cuban problem today carried top priority . . . no time, money, effort--or manpower is to be spared."* Subsequently, Operation Mongoose involved propaganda and sabotage operations aimed toward spurring a revolt of the Cuban people against Castro. Measures that were considered by the top policymakers included incapacitating sugar workers during harvest season by the use of chemicals; blowing up bridges and production plants; sabotaging merchandise in third countries--even those allied with the United States--prior to its delivery to Cuba; and arming insurgents on the island. Programs undertaken at the urging

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* The Attorney General himself took a personal interest in the recruitment and development of assets within Cuba, on occasion recommending Cubans to the CIA as possible recruits and meeting in Washington and Florida with Cuban exiles active in the covert war against the Castro government.

of the Administration included intensive efforts to recruit and arm dissidents within Cuba and raids on plants, mines, and harbors.

Discussions at the Special Group and NSC meetings might well have contributed to the perception of some CIA officials that assassination was a permissible tool in the effort to overthrow the Castro regime. At a Special Group meeting in November 1960, Under Secretary Merchant inquired whether any planning had been undertaken for "direct, positive action" against Che Guevarra, Raul and Fidel Castro. Cabell replied that such a capability did not exist, but might well have left the meeting with the impression that assassination was not out of bounds. One phase of Lansdale's plans, which was submitted to the Special Group in January 1962, aimed at inducing "open revolt and overthrow of the Communist regime", and included in the final phase an "attack on the cadre of the regime, including key leaders". The proposal stated that "this should be a 'Special Target" operation . . . . Gangster elements might provide the best recruitment potential against police. . ." Several minutes from Special Group meetings contain language such as "possible removal of Castro from the Cuban scene". Although Lansdale's proposal was shelved, the type of aggressive action contemplated was not ruled out.

On several occasions, the subject of assassination was

discussed in the presence of senior Administration officials. While those officials never consented to actual assassination efforts, they also failed to indicate that assassination was impermissible as a matter of principle.

In early 1961, McGeorge Bundy was informed of a CIA project described as the development of a capability to assassinate.* Bundy raised no objection and, according to Bissell, may have been more affirmative. Although Bissell stated that he did not infer authorization from Bundy's remarks for the underworld plot against Castro that was then underway, the fact that he believed that the development of an assassination capability had been approved by the White House (which he subsequently told to Harvey) may well have contributed to the general perception that assassination was not prohibited.

Documents indicate that in May 1962, Attorney General Kennedy was told that the CIA had sought to assassinate Castro prior to the Bay of Pigs. According to the CIA officials present at the briefing, the Attorney General

* Bundy, who was National Security Advisor to the President, had an obligation to tell the President of such a grave matter, even though it was only a discussion of a capability to assassinate. His failure to do so was a serious error.

indicated his displeasure about the lack of consultation on the impropriety of the attempt itself.* There is no evidence that the Attorney General told the CIA that it must not engage in assassination plots.

At a meeting of the Special Group Augmented in August 1962, well after the assassination efforts were underway, Robert McNamara is said to have raised the question of whether the assassination of Cuban leaders should be explored, and General Lansdale issued an action memorandum assigning the CIA the task of preparing contingency plans for the assassination of Cuban leaders. While McCone testified that he had immediately made it clear that assassination was not to be discussed or condoned, Harvey's testimony and documents which he wrote after the event indicate that Harvey may have been confused over whether McCone had objected to the use of assassination, or whether he was only concerned that the subject not be put in writing. In any

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* Documents show that the Attorney General, Robert Kennedy, learned in May of 1961 that the CIA had used underworld figures in an operation against Cuba. The documentary record further reflects that the Attorney General was not told that the operation had involved assassination efforts until May of 1962, and that the operation was then described to him as having been terminated in May 1961. There is no evidence that the Attorney General suspected the true nature of the operation until that briefing, or that he learned that it had not in fact been terminated. While it is curious that the Attorney General would not have inquired further into the nature of the operation when he discovered that Sam Giancana had been involved in it, there is no evidence that he did.

event, McCone went no further. He issued no general order banning consideration of assassination within the Agency.

One of the programs forwarded to General Lansdale by the Defense Department in the Mongoose program was entitled "Operation Bounty" and envisioned dropping leaflets in Cuba offering rewards for the assassination of Government leaders. Although the plan was vetoed by Lansdale, it indicates that persons in agencies other than the CIA perceived that assassination might be permissible.

While the ambivalence of Administration officials does not excuse the misleading conduct by Agency officials or justify their failure to seek explicit permission, it displayed an insufficient concern about assassination which may have contributed to the perception that assassination was an acceptable tactic in accomplishing the Government's general objectives.

With the exception of the tight guidelines issued by the Special Group Augmented concerning Operation Mongoose, precise limitations were never imposed on the CIA requiring prior permission for the details of other proposed covert operations against Cuba. No general policy banning assassination was promulgated until Helms' intra-agency order in 1972. In light of the number of times in which the subject of assassination arose, Administration officials were remiss in not explicitly forbidding such activity.

* * * * * *

The Committee notes that many of the occasions on which CIA officials should have informed their superiors of the assassination efforts but failed to do so, or did so in a misleading manner, were also occasions on which Administration officials paradoxically may have reinforced the perception that assassination was permissible.

For example, when Bissell spoke with Bundy about an executive action capability, Bissell failed to indicate that an actual assassination operation was underway, but Bundy failed to rule out assassination as a tactic.

In May of 1962 the Attorney General was misleadingly told about the effort to assassinate Castro prior to the Bay of Pigs, but not about the operation that was then going on. The Attorney General, however, did not state that assassination was improper.

When a senior administration official raised the question of whether assassination should be explored at a Special Group meeting, the assassination operation should have been revealed, but a firm written order against engaging in assassination should also have been issued by McCone if, as he testified, he had exhibited strong aversion to assassination.

6. Practices Current at the Time in Which the Assassination Plots Occurred Were Revealed by the Record to Create the Risk of Confusion, Rashness, and Irresponsibility in the Very Areas Where Clarity and Sober Judgment Was Most Necessary.

Various witnesses described elements of the system within which the assassination plots were conceived. The Committee is disturbed by the custom that permitted the most sensitive matters to be presented to the highest levels of Government with the least clarity. We find this disturbing, and view the following concepts as particularly dangerous:

(1) The extension of the doctrine of "plausible denial" beyond its intended purpose of hiding the involvement of the United States from other countries to an effort to shield higher officials from knowledge, and hence, responsibility for certain operations.

(2) The use of circumlocution or euphemism to describe serious matters--such as assassination--when precise meanings ought to be made clear.

(3) The theory that general approval of broad covert action programs is sufficient to justify specific actions such as assassination or the passage of weapons.

(4) The theory that authority granted, or assumed to be granted, by one director or one administration could be presumed to continue without the necessity for reaffirming the authority with successor officials.

(5) The creation of capabilities without careful review and authorization by policymakers, and the risk that such capabilities might be used without further authorization.

(a) <u>The Danger Inherent in Overextending the Doctrine of Plausible Denial</u>

The original concept of plausible denial envisioned implementing covert actions in a manner calculated to conceal American involvement if the actions were exposed. The doctrine was at times a delusion and at times a snare. It was naive for policymakers to assume that sponsorship of actions as big as the Bay of Pigs invasion could be concealed. The Committee's inquiry into assassination and the public disclosures which preceded it demonstrate that when the United States resorted to cloak and dagger tactics, its hand was ultimately exposed. In addition, the likelihood of reckless action is substantially increased when policymakers believe that their decisions will never be revealed.

Whatever can be said in defense of the original purpose of plausible denial--a purpose which intends to conceal U.S. involvement from the outside world--the extension of

the doctrine to the internal decision-making process of the Government is absurd. Any theory which, as a matter of doctrine, places elected officials on the periphery of the decision-making process is an invitation to error, an abdication of responsibility, and a perversion of democratic government.

(b) The Dangers of Using "Circumlocution" and "Euphemism"

According to Richard Bissell, the extension of plausible denial to internal decisionmaking required the use of circumlocution and euphemism in speaking with Presidents and other senior officials.

Explaining this concept only heightens its absurdity. On the one hand, it assumes that senior officials should be shielded from the truth to enable them to deny knowledge if the truth comes out. On the other hand, the concept assumes that senior officials must be told enough, by way of double talk, to grasp the subject. As a consequence, the theory fails to accomplish its objective and only increases the risk of misunderstanding. Subordinate officials should describe their proposals in clear, precise, and brutally frank language; busy superiors are entitled to and should demand no less.

Euphemism may actually have been preferred--not because

of plausible denial--but because the persons involved could not bring themselves to state in plain language what they intended to do and may have, in some instances, assumed, rightly or wrongly, that the listening superiors did not want the issue squarely placed before them. Assassinate, murder and kill are words many people do not want to speak or hear. They describe acts which should not even be proposed, let alone plotted. Failing to call dirty business by its rightful name may have increased the risk of dirty business being done.

(c) The Danger of Generalized Instructions.

Permitting specific acts to be taken on the basis of general approvals of broad strategies (e.g., keep Allende from assuming office, get rid of the Castro regime) blurs responsibility and accountability. Worse still, it increases the danger that subordinates may take steps which would have been disapproved if the policymakers had been informed. A further danger is that policymakers might intentionally use loose general instructions to evade responsibility for embarrassing activities.

In either event, we find that the gap between the general policy objectives and the specific actions undertaken to achieve them was far too wide.

It is important that policymakers review the manner in

which their directives are implemented, particularly when the activities are sensitive, secret, and immune from public scrutiny.

(d) The Danger of "Floating Authorization"

One justification advanced by Richard Helms and William Harvey for not informing John McCone about the use of underworld figures to assassinate Fidel Castro was their assertion that the project had already been approved by McCone's predecessor, Allen Dulles, and that further authorization was unnecessary, at least until the operation had reached a more advanced stage.

Similarly, most of the actions taken in the Trujillo case during the early months of the Kennedy Administration were authorized by the Special Group on January 12, 1961, at the end of the Eisenhower Administration.

The idea that authority might continue from one administration or director to the next and that there is no duty to reaffirm authority with successors inhibits responsible decisionmaking. Circumstances may change or judgments differ. New officials should be given the opportunity to review significant programs.

(e) The Problems Connected with Creating New Covert Capabilities

The development of a new capability raises numerous problems. Having a capability to engage in certain covert

activity increases the probability that it will occur, since the capability represents a tool that is available for use. There is the further danger that authorizing a capability may be misunderstood as authorizing its use without need for obtaining explicit authorization.

Of course, an assassination capability should never have been created in the first place.

Approved by
Drafting
Subcommittee
10/8/75
(with possible reservation
as to language of statute)

V. RECOMMENDATIONS

During our long investigation of assassination, a number of vital issues came into sharp focus.

Above all, stood the question of assassination. Our recommendations on other issues should await the completion of our continuing investigations and our final report. But we need no more information to convince us that a flat ban against assassination should be written into law.

We condemn assassination and reject it as an instrument of American policy. Surprisingly, at present there is no statute making it a crime to assassinate a foreign official outside the United States. Hence, for the reasons set forth below, the Committee recommends the prompt enactment of a statute making it a Federal crime to commit or attempt an assassination, or to conspire to do so.

A. <u>General agreement that the United States must not engage in assassination</u>. Our view that assassination has no place in America's arsenal is shared by the Administration.

President Ford, in the same statement in which he asked this Committee to deal with the assassination issue, stated:

> I am opposed to political assassination. This administration has not and will not use such means as instruments of national policy. Presidential Press Conference, June 9, 1975, <u>Weekly Compilation of Presidential Documents</u>, Vol. II, No. 24, p. 611.

The witnesses we examined uniformly condemned assassination. They denounced it as immoral, described it as impractical, and reminded us that an open society, most of all, runs the risk of the assassination of its own leaders. As President Kennedy was reported to have said: "we can't get into that kind of thing, or we would all be targets." (Goodwin 7/18/75, p. 4)

The current CIA Director and his two predecessors testified emphatically that assassination should be banned. Thus, Colby said:

> With respect to assassination, my position is clear. I just think it is wrong. And I have said so and made it very clear to my subordinates. (5/21/75, p. 89)

Colby's predecessor, Helms, although himself involved in an earlier plot, said he had concluded assassination should be ruled out for both moral and practical reasons:

> As a result of my experiences through the years, when I became Director I had made up my mind that this option...of killing foreign leaders, was something that I did not want to happen on my watch. My reasons for this were these:
>
> There are not only moral reasons but there are also some other rather practical reasons.
>
> It is almost impossible in a democracy to keep anything like that secret.... Somebody would go to a Congressman, his Senator, he might go to a newspaper man, whatever the case may be, but it just is not a practical alternative, it seems to me, in our society.
>
> Then there is another consideration...if you are going to try by this kind of means to remove a foreign leader, then who is going to take his place running that country, and are you essentially better off as a matter of practice when it is over than you were before? And I can give you I think a very solid example of this which happened in Vietnam when President Diem was eliminated from the scene. We then had a revolving door of prime ministers after that for quite some period of tiem, during which the Vietnamese Government at a time in its history when it should have been strong was nothing but a caretaker government....In other words, that whole exercise turned out to the disadvantage of the United States.
>
> ...there is no sense in my sitting here with all the experience I have had and not sharing with the Committee my feelings this day. It isn't because I have lost my cool, or because I have lost my guts, it simply is because I don't think it is a viable option in the United States of America these days.
>
> Chairman Church. Doesn't it also follow, Mr. Helms -- I agree with what you have said fully --- but doesn't it also follow on the practical side, apart from the moral side, that since these secrets are bound to come out, when they do, they do very grave political damage to the United States in the world at large? I don't know to what extent the Russians

involved themselves in political assassinations, but under their system they at least have a better prospect of keeping it concealed. Since we do like a free society and since these secrets are going to come out in due course, the revelation will then do serious injury to the good name and reputation of the United States.

Would you agree with that?

Mr. Helms. Yes, I would.

The Chairman. And finally, if we were to reserve to ourselves the prerogative to assassinate foreign leaders, we may invite reciprocal action from foreign governments who assume that if it's our prerogative to do so, it is their prerogative as well, and that is another danger that we at least invite with this kind of action, wouldn't you agree?

Mr. Helms. Yes, sir. (6/13/75, pp. 76-78)

Similarly, John McCone said he was opposed to assassinations because:

> I didn't think it was proper from the standpoint of the U.S. Government and the Central Intelligence Agency. (6/6/75, p. 15)

B. CIA Directives Banning Assassination. In 1972 and 1973, Helms and then Colby issued internal CIA orders banning assassination. In his order, Helms said:

> It has recently again been alleged in the press that CIA engages in assassination. As you are well aware, this is not the case, and Agency policy has long been clear on this issue. To underline it, however, I direct that no such activity or operation be undertaken, assisted or suggested by any of our personnel.... (Memorandum, Helms to Deputy Directors, 3/6/72)

Colby, in one of a series of orders in August 1973 arising out of the Agency's own review of prior "questionable activity," issued an order which stated:

> CIA will not engage in assassination nor induce, assist or suggest to others that assassination be employed. (Memorandum, Colby to Deputy Directors, 8/29/73)

C. The need for a statute. Commendable and welcome as they are, these CIA directives are not sufficient. Administrations change, CIA directors change, and someday in the future what was tried in the past may once again become a temptation. Assassination plots did happen. It would be irresponsible for us not to do all that we can do to prevent their happening again. Laws express our society's values; they deter those who might be tempted and stiffen the will of those who want to resist.

The statute we recommend, which is printed as an appendix to this report, makes it a criminal offense for persons subject to the jurisdiction of the United States 1) to conspire, within or outside the United States, to assassinate a foreign official; 2) to attempt to assassinate a foreign official, or 3) to assassinate a foreign official.

Present law makes it a crime to kill, or to conspire to kill, a foreign official or foreign official guest while such a person is in the United States. 18 U.S.C. 1116; 18 U.S.C. 1117. However, there is no law which makes it a crime to assassinate, or to conspire or attempt to assassinate, a foreign official while such official is outside the United States. Our proposed statute is thus designed to close this gap in the law.

Subsection (a) of the proposed statute would punish conspiracies formed within the United States; subsection (b) punishes conspiracies outside of the United States. Subsection (b) is necessary to eliminate the loophole which would otherwise permit persons to simply leave the United States and conspire abroad. Subsections (c) and (d), respectively, make it an offense to attempt to kill or to kill a foreign official outside the United States.

Subsections (a) through (d) specifically apply to any "officer or employee of the United States" to make clear that the statute punishes conduct by U.S.

government personnel, as well as conduct by private citizens having no relation to the U.S. government. In addition, subsection (a), dealing with conspiracies within the United States, applies to "any other person," whether or not a United States citizen. Noncitizens who conspire within the United States to assassinate a foreign official clearly come within the jurisdiction of U.S. law. Subsections (b) through (d), which deal with conduct outside the United States, apply to U.S. citizens, and to officers or employees of the United States, whether or not they are citizens. Criminal liability for conduct outside the United States of persons who are not U.S. citizens or who do not hold a position as a officer or employee of the United States are matters for the law of the place where such conduct takes place.

The term "foreign official" is defined in subjection (d) (2). The definition makes it clear that the offense may be committed even though the official belongs to an insurgent force, an unrecognized government, or a non-governmental political party. Our investigation -- as well as the reality of international politics -- has shown that officials in such organizations are potential targets for assassination.*/

The offenses are limited to conduct aimed at such persons because of their official duties or status, or their political views, actions, or statements. Thus, for example, a conspiracy to kill or the killing of a foreign official, which is not politically motivated would not be punishable under this statute.

The definition of official in section (d) (2) also provides that such person must be an official of a foreign government or movement "with which the United States is not at war or against which the United States Armed Forces have

*/For example, Lumumba was not an official of the Congolese government at the time of the plots against his life, and Trujillo, though the dictator, held no official governmental position in the latter period of his regime.

not been introduced into hostilities or situations pursuant to the provisions of the War Powers Resolution." This definition makes it clear that, absent a declaration of war or the introduction of United States Armed Forces pursuant to the War Powers Resolution, the killing of foreign officials is a criminal offense. /insert discussion of paramilitary aspect/

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In the course of our hearings, some witnesses, while strongly condemning assassination, asked whether, as a matter of theory, assassination should absolutely be ruled out in a time of truly unusual national emergency. Adolf Hitler was cited as an example. Of course, the cases with which we were concerned were not of that character.*/ In a grave emergency, the President has a limited power to act, not in violation of the law, but in accord with his own responsibilities under the Constitution to defend the Nation. As the Supreme Court has declared, the Constitution "is not a suicide pact." Kennedy v. Mendoza-Martinez, 372 U.S. 144, 160 (1963).

Abraham Lincoln, in an unprecedented emergency, claimed unprecedented power based on the need to preserve the nation:

> ...my oath to preserve the Constitution to the best of my ability, imposed upon me the duty of preserving, by every indispensable means, that government -- that nation -- of which that Constitution was the organic law. Was it possible to lose the nation, and yet preserve the Constitution? By general law life and limb must be protected; yet often a limb must be amputated to save a life; but a life is never wisely given to save a limb. I felt that measures, otherwise unconstitutional, might become lawful, by becoming indispensable to the preservation of the Constitution, through the preservation of the nation .... The Complete Works of Abraham Lincoln, Vol. X, pp. 65-66 (Nicolay and Hay, Eds. 1894).

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*/Indeed, in the only situation of true national crisis -- the Cuban missile crisis -- assassination was not even considered.

Of course, whatever the extent of the President's own constitutional powers, it is a fundamental principle of our constitutional system that these powers are checked and limited by the Congress, including the Congress' power of impeachment. As a necessary corollary, any action taken by a President pursuant to his limited inherent powers and in apparent conflict with the law must be disclosed to the Congress. Only then may the Congress judge whether the action truly represented, in Lincoln's phrase, an "indispensable necessity" to the life of the Nation.

As Lincoln explained in submitting his extraordinary actions to the Congress for ratification: "In full view of his great responsibility he has, so far, done what he has deemed his duty. You will now, according to your own judgment, perform yours." (Abraham Lincoln, Message to Congress in Special Session, July 4, 1861).

Approved by Drafting
Subcommittee on 9/9/75

EPILOGUE

We do not believe that the acts which we have examined represent the real American character. They do not reflect the ideals which have given the people of this country and of the world hope for a better, fuller, fairer life. We regard the assassination plots as aberrations.

We must not adopt the tactics of the enemy. Means are as important as ends. Crisis makes it tempting to ignore the wise restraints that make men free. But each time we do so, each time the means we use are wrong, our inner strength, the strength which makes us free, is lessened.

Despite our distaste for what we have seen, we have great faith in this country. The story is sad, but this country has the strength to hear it and to learn from it. We must remain a people who confront our mistakes and resolve not to repeat them. If we do not, we will decline; but, if we do, our future will be worthy of the best of our past.